IMT Nuremberg Archives

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International Court of Justice

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Official Transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 4 January 1946, Lord Justice Lawrence, presiding.

COL. AMEN: I would like to call as a witness for the prosecution Walter Schellenberg.

THE PRESIDENT: Is your name Walter Schellenberg?

THE WITNESS SCHELLENBERG: My name is Walter Schellengerg.

THE PRESIDENT: Will you take this oath: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The Witness repeated the oath in German).

COL. AMEN:

Q Where were you born?

A In Saarbruecken.

Q How old are you?

A Thirty-five years.

Q You were a member of the NSDAP?

A Yes

Q And of the SS?

A Yes; the SS also.

Q And of the Waffen SS?

A And the Waffen SS.

Q And the SD?

A And the SD.

Q What was the highest office you held?

A In the SS, SS Brigadifuehrer; in the Waffen SS, General Major.

Q You were chief of Amt VI?

A I was chief of Amt VI and Amt. Mil.

Q During what period of time?

A I was Deputy Chief of Amt VI in July, 1941 and my final consummation in June of 1942.

Q State briefly the functions of Amt VI of the RSHA.

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A Amt VI was the political secret service of the Reich and worked in the foreign countries.

Q Do you know of an agreement between OKW, OKH, and the RSHA concerning the use of Einsatz groups and Einsatzkommandos in the Russian campaign?

A At the end of May, 1941, conferences took place between the then head of the Security Police and Generalquartiermeister General Wagner.

Q And who?

A Generalquartiermeister General Wagner.

Q Did you attend those conferences?

A Yes. I kept the minutes of the final meeting.

Q Have you given us the names of all persons present during those negotiations?

A The conferences took place between Heydrich, who was the Chief of the Security Police and the SD, and the Generalquartiermeister of the Army.

Q Was anyone else present during any of the negotiations?

A Not during the conferences, but at a later meeting other persons took part.

Q Didn't those negotiations result in the signing of an agreement?

A We made a written agreement.

Q Were you there when the written agreement was signed?

A I kept minutes and was present, and saw how both gentlemen signed.

Q By whom was this agreement signed?

A It was signed by the then Chief of the Security Police, SS Gruppenfuehrer Heydrich, and Generalquartiermeister of the Army, General Wagner.

Q Do you know where the original agreement, or any copy thereof, is located today?

A No, that I cannot tell. I know nothing about that.

Q But you are familiar with the contents of that written agreement?

A Yes; to a large part I recollect that.

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Q To the best of your knowledge and recollection, please tell the Tribunal exactly what was contained in that written agreement.

A The first part of this agreement began with the quotation of a decree by the Fuehrer. It read as follows:

"For the safety of the fighting units before the campaign into Russia that is at hand, all means are to be used to keep the rear safe and protected. Based on this thought, with every means resistance is to be broken. To support the fighting power of the Army for this task, the Security Police and the Security Service are to be called in."

If I remember correctly, as a special example of something to be protected or secured, the security of the so-called routes of supply was mentioned.

Q Do you recall anything else contained in that agreement?

A The second part of this agreement, the organization of the Army groups was mentioned.

Q What was said about that?

A And the construction and the use of the Einsatz groups and the Commandos of the SD was discussed. Four different spheres of influence or space were used or illustrated.

I remember as follows: first, the front area; secondly, the operational zone -- and it was built up into an Army area and a rear area -- third, the rear Army area; and fourthly, the area for the civil administration that was to be put up, the Reichkommissariats.

To cover these different spheres, or areas, the spheres of influence and command were set down distinctly. In the front, or fighting areas, the Einsatzkommandos of the SD were operating tactically and as troops. That means they were exclusively under the jurisdiction of the Army.

In the operational zones there was only a troop subsidiary jurisdiction, and these rules were to apply in the third zone; and in the fourth group, the Reichkommissariat, the same rules and regulations were to apply as in the areas of the Reich proper.

In the third part of the agreement was set forth what was to be included under tactical and troop service regulations. That meant the

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phrase "Truppendienstlich" was clarified, and by that we meant the disciplinary, and the matter of taking care of the welfare of the Army. Special mention was given that the Truppendienstliche hierarchy was to take care for the supply, especially as to gasoline, food and technical reports that were to come in. All these things were included.

Q Have you now told us everything, which you recall, about that agreement?

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A Yes; I cannot remember any more.

COL. ALLEN: If Your Honor please, that is all.

THE PRESIDENT: Does the English prosecution have any questions to ask?

SIR DAVID MAXWELL-FYFE: No.

THE PRESIDENT: Does the Russian prosecution have any questions to ask?

COL. POKROVSKY: No.

THE PRESIDENT: Does the French prosecution have any questions to ask?

(No response).

THE PRESIDENT: Do the Defendants' counsel wish to ask any questions?

CROSS EXAMINATION

BY DR. KURT KAUFFMANN (Counsel for the Defendant Kaltenbrunner):

Q Is it correct that Dr. Kaltenbrunner was your superior?

A Dr. Kaltenbrunner was my immediate superior.

Q Until what time?

A From the 30th January of '43 until the end.

Q Do you know his attitude on important questions of life, of National Socialism, as far as the Jewish treatment or question of the treatment of the Church?

A I personally did not have a chance to converse with him on these problems. What I know about him is the result of a few special personal observations.

Q Did you receive original orders of Kaltenbrunner's that covered executions of saboteurs or concentration camp people?

A No. All I know about it is the oral directives or orders that he sent to the Amt IV chief. These I know about, those orders.

Q Did Kaltenbrunner ever indicate to you that he had agreed with Himmler on everything concerning concentration camps, and that everything that concerned the executive power was to be taken away from him, and that all that was to remain with him was the SD, as a message service, and this message service he wanted to develop to get the necessary critical faculties, which were lacking?

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A I do not know about any such agreement, and what I found out about facts later is to the contrary.

Q I have to ask you to keep the record straight, because you gave a negative answer. Which facts do you mean?

A I mean, for instance, one fact, that I agreed very, very reluctantly to the Reichsfuehrer SS, that concentration camps were not to be evacuated. Kaltenbrunner, in direct contact with Hitler, circumvented this decree in order to appear in a better international light.

Q Were there any international agreements on that, which could be applied to existing laws, or that would be concerned with international agreements?

A I would like to interpret it in the following manner: that if international personalities gave the binding word to allied powers not to have the concentration camps evacuated, it was binding according to human law.

Q What do you mean by evacuated?

A Before the enemy could approach, to have them arbitrarily evacuate and to have them transposed to other parts of Germany.

Q What was your opinion?

A That no evacuation should take place, because human right did not coincide with that.

Q You did not want the concentration camps to be given over to the approaching enemy?

A Yes.

Q Did you know that your activity could be condusive to have suffering brought on many people, and the people who were per se innocent?

A I didn't quite understand the question. Will you please repeat it?

Q Did you ever think that your activity, and the activity of your co-workers, might be the cause for many people -- let us say Jews -- suffering greatly even though these people were innocent?

A I cannot imagine that the activity of my office would cause any such thing. I was merely an information center.

Q Then your information center had no connection to such crimes?

A No.

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Q Then in this point Kaltenbrunner would not be accused?

A Yes, because he was the Chef of Amt IV of the State Police.

Q I asked in this point, and by that I meant your sector; your department.

A I only represent the sector of Amt VI and Amt Mil.

Q But Kaltenbrunner was the Chief of the Amt section at the same time?

A Kaltenbrunner was the Chief of the RSHA and the eight offices, or amts, were subsidiary to it. One or two of them I headed, and they were Amt VI and Amt Mil, and these two offices had nothing to do with the executive power of the State Police.

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THE PRESIDENT: What I understood you to say was that you were only in a branch which was an information center; is that right?

THE WITNESS: Yes.

THE PRESIDENT: And that Kaltenbrunner was your immediate chief; is that right?

THE WITNESS: Kaltenbrunner was the Chief of the RSHA.

THE PRESIDENT: Yes, he was the Chief, not only of your branch, but of the whole organization.

THE WITNESS: Yes, that's right.

DR. KAUFFMANN: I would like to question this witness later on. I would like to reserve the right to question this witness later on, after I talk with Kaltenbrunner.

QUESTIONS BY DR. KUBUSCHOF (Counsel for Von Papen):

Q In the summer of '43, were you in Ankara; and did you at this time pay a visit to the German Embassy?

A Yes.

Q Did you, at this visit, discuss Germany and criticize German foreign policy in various ways, and at that point mention that it was absolutely advisable to have better connections with the Holy See; while at that time, Ambassador von Papen said: "That is only advisable then, according to the demands that I have made repeatedly, that the church policy be revised completely, and the persecution of the churches will cease"?

A Yes, the content of the conversation is right, and in the same sense I talked with the then Ambassador, von Papen.

QUESTIONS BY DR. THOMA (Counsel for Rosenberg):

Q You said a little while ago that the same regulations existed in the realm of the civil administration as in the Reich.

A I said they were to apply.

Q Please answer my question again.

A I will repeat: I reproduced the agreement, but in the provisional areas of administration of the Reichskommissariat, the same regulations existed as far as the armed SD was concerned, and these applied in the same way as in the Reich.

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Q Do you know through whom that was carried out?

A No, later on I did not concern myself with these questions.

QUESTIONS BY DR. BABEL (Counsel for SS and SD):

Q You were a member of the SS and of the SD, and in leading positions--

THE PRESIDENT: Will you state, for the purposes of the record, which organization you appear on behalf of?

DR. BABEL: I represent the organizations of the SS and SD.

Q (Continuing) In the RSHA, there were two departments, the Security Police and SD; how were these two departments connected, and what was the purpose of the SD?

A That is a question that I cannot answer with one sentence.

Q Perhaps I can change the question and ask a concrete one: Was the SD used with the Einsatzgruppen in the East; in what scope, and with what tasks or missions were they charged?

A I believe that the point of emphasis was the use of the personnel in the East by the Security Police which was the State Police; and the Criminal Police was there; and only supplementary units from the personnel of the SD were used.

Q How large were these supplementary contingents? How large was the SD?

A I believe that I can estimate the figures: Excluding female help, the State Police -- perhaps 40 to 45,000; the Criminal Police -- 15 to 20,000; SD in the interior, that is, Amt III with its organizational subsidiaries -- 2 to 2,500; and SD beyond Germany -- that is my Amt VI -- about 400.

Q And how was the SD used in the East?

A I can't give you particulars, because that was a matter of the personal and civil administration, and it was under the chief of the Security Police.

Q Did the figures you mentioned include male members of the SD, solely, or was the female help included?

A Only male members. I excluded the female help.

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Q Yesterday a witness mentioned approximately the same figure of 3,000, but he thought the female help was included.

A As I said, I mentioned SD in the interior, 2 to 3,000.

Q What was the hierarchy of the Waffen SS?

A As to the hierarchy of the Waffen SS, I cannot give you a responsible answer, because I was not concerned with that question.

Q You were a member of the Waffen SS and of the SD.

A I was a member of the Waffen SS since January '45, according to higher orders, because I had large numbers of military men through Amt Mil, and I had to have military rank to cover my activities.

Q Do you know what happened in other cases, also?

A That question is beyond me.

DR. BASEL: Thank you.

REDIRECT EXAMINATION

QUESTIONS BY COL. AMEN:

Q Do you know of any specific case where Kaltenbrunner ordered clearance of any concentration camp, contrary to Himmler's wishes?

A Yes.

Q Will you tell the Tribunal about that?

A I cannot give you the exact date. I believe it was the beginning of April 1945. The son of President Muesi of Switzerland had brought his father into Switzerland, and had returned by auto himself to the concentration camp at Buchenwald; and he wanted to call for a Jewish family which I had liberated personally. He came to the camp while we were evacuating it at top speed, and under the worst possible circumstances. Three days before, I had discussed and promised the non-evacuation of the camp to his father, and this declaration was also meant for Eisenhower; and since he had gone to Switzerland in the meantime, he was doubly disappointed and surprised because the promise was not kept. Muesi Jr. came to me personally in my office; was deeply insulted and accused me bitterly. I couldn't understand the circumstances, and immediately contacted the secretary of Himmler and protested against these proceedings. The actual fact, as mentioned to me by Muesi Jr. was certified as correct, but it was

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unexplained since Himmler had not given these orders, or was not supposed to have given these orders, and a halt was ordered immediately by all means. Himmler personally certified the same over the phone. I believe it was on the same day, after an official meeting, I informed Kaltenbrunner of the state of affairs, and relieved his mind about this renewed breach of international promises. At this point of the conversation I paused, and the Chief of the State Police, Gruppenfuehrer Mueller, entered into the conversation, and said that he, according to an order of Kaltenbrunner's, three days ago, had already begun the evacuation of the

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most important internees of the several camps. Kaltenbrunner replied: "Yes, that is right. A decree of the Fuehrer is involved, which was recently confirmed by him, that is, the Fuehrer, and all important internees, according to that decree, were to be evacuated to the southern part of the Reich." Then, in a cynical way, in dialect, he said to me: "Tell your old man"-- that was Muesi, Sr. -- "there will still be enough left in the concentration camps, and you will have to be satisfied with that." I believe that was on the 10th of April, 1945.

COL. AMEN: That is all, may it please the Tribunal.

QUESTIONS BY THE TRIBUNAL (General Nikitchenko):

Q Can you say right now what were the functions of the chief amt of the Security Police?

A That I cannot answer in one sentence. I believe--

Q What were the aims?

A The RSHA was a comprehensive grouping of the Security Police; that means State Police.

Q We know about this organization on the basis of the documents which are at the disposal of the Court, but what were its functions?

A I just wanted, a minute ago, to explain its functions. Its functions were as follows: That was a matter of Security Police activity, Criminal Police activity, security measure, internally and in foreign countries; that is, in Germany and abroad.

Q Would it be correct to formulate the functions as follows: to suppress those whom the Nazi Party considered its enemies?

A No, I don't believe that. A statement of that type is too one-sided.

Q But all these functions were also performed.

A They were, perhaps, in a certain part connected with the State Police.

Q Has this part of the functions, then, been changed after Kaltenbrunner took office?

A No, there was no change.

Q Have those functions, to which you were referring right now, been changed since the time that Kaltenbrunner took office as Chief of the Security Police?

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A The functions, as I pointed them out, did not change after Kaltenbrunner assumed office.

Q I have one more question: What were the aims and purposes of the operation group which had been created on the basis of the agreement between the SD and the High Command?

A As far as the agreement was covered at that time, the first part, as I mentioned before, the task was laid down to protect the rear of the troops, and to use all means against opposition and against resistance.

Q To repress or to do away with?

A The words were: "All resistance is to be broken with every means".

Q By what means was the resistance suppressed?

A The agreement did not mention nor cover this in any way. It was not discussed.

Q But you know what means were used for that suppression, do you not?

A Later I heard that with the bitterness of the struggle, the means were equally harsh, but that is only hearsay, as far as I am concerned.

Q What does it mean more exactly?

A As far as Partisan opposition was concerned, and as far as the civil population was concerned, there were many shootings that took place.

Q Including the children?

A That I didn't hear.

Q You haven't heard it?

A (No response).

SIR DAVID MAXWELL FYFE: Since Your Lordship was good enough to ask me whether I wanted to put some questions, I have had some further information, and I should be very grateful if the Tribunal would allow me to ask one or two questions.

QUESTIONS BY SIR DAVID MAXWELL FYFE:

Q Would you direct your mind to a conversation between the Defendant Kaltenbrunner, Gruppenfuehrer Nebe and Gruppenfuehrer Mueller, in the Spring of 1944, in Berlin at Wilhelmstrasse 102?

A Yes.

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A Yes.

Q With what was that conversation concerned?

A This conversation, as far as I gathered, because I was not a party to it, concerned about 50 prisoners of war, English or American, that had been shot. This conversation, in its particulars, was as follows, to the best of my recollection: There was a request on the part of the International Red Cross to get information on the whereabouts of 50 American and English prisoners of war. They were interested in getting information about their whereabouts. This request for information by the International Red Cross seemed to have come in through the Foreign Office, to the Chief of the Security Police and SD.

Q Just one moment. Was it already in the form of a protest against the shooting of prisoners of war?

A I do believe it was in the form of a protest. From the fragments of the conversation I gathered that there was a conversation as to what form the shooting of the prisoners of war, which had already taken place, was to be explained.

Q To be explained?

A Or explained.

Q Did Kaltenbrunner discuss this with Mueller and Nebe?

A Kaltenbrunner covered this matter with Mueller and Nebe and since I only picked up fragments of the conversation, I heard it hurriedly that they wanted to cover details more thoroughly in the afternoon.

Q Did you hear of any suggestions put forward as to what explanations should be given to cover the shooting of the prisoners of war?

A Yes, Kaltenbrunner himself gave these instructions.

Q What were the suggestions?

A The large part was to be handled as individual cases; that they had perished through bomb attacks and then some, I believe, because of resistance, that is physical resistance and others persecution on their escape.

Q You mean shot while trying to escape?

A Yes, shot in flight.

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Q These were the excuses which Kaltenbrunner suggested?

A Yes, those were the explanations that Kaltenbrunner suggested.

Q Now, I want you to try and remember as well as you can about these prisoners. Does any number remain in your mind? Can you remember

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any number of prisoners that they were discussing about which these explanations arose or about how many?

A. I remember only that the number fifty was mentioned again and again but how the particulars went I cannot tell you because I just followed fragments of the conversation rather than the whole conversation.

Q. But the number fifty remains in your mind?

A. Yes, I hear fifty.

Q. Can you remember anything of the place or the camp in which these people had been, who were said to have been shot?

A. I cannot tell you under oath. There is a possibility that I might add a little bit. It may have been Breslau but I cannot tell exactly, as a fact.

Q. And can you remember anything of what service the people belonged to? Were they Air Force or Army? Have you any recollection on that point?

A. I believe all of them were officers.

Q. Were officers?

A. Yes.

Q. But you cannot remember what service?

A. No, that I cannot tell you.

SIR DAVID MAXWELL-FYFE: I am very grateful to the Tribunal for letting me ask these questions.

COLONEL AMEN: That is all for this witness.

THE PRESIDENT: Very well, the witness can go then.

COLONEL AMEN: I wish to call as the next witness Alois Hoellriegel.

THE PRESIDENT: What is your name?

THE WITNESS: Alois Hoellriegel.

THE PRESIDENT: Will you take this oath?

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath in German)

THE PRESIDENT: You can sit down if you want to.

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DIRECT EXAMINATION BY COLONEL AMEN:

Q. What position did you hold at the end of the war?

A. At the end of the war I was at Mauthausen.

Q. Were you a member of the Totenkopf SS?

A. Yes; in the year 1939 I was taken into the SS.

Q. What were your duties at the Mauthausen Concentration Camp?

A. I was, until the winter of '42, with a guard company and I stood guard. From '42 until the end of the war I was in the inner service of the concentration camp.

Q. And you therefore had occasion to witness the extermination of inmates of that camp by shooting, gassing and so forth?

A. Yes, I saw that.

Q. And did you make an affidavit in this case to the effect that you saw Kaltenbrunner at that camp?

A. Yes.

Q. And that he saw and was familiar with the operation of the gas chamber there?

A. Yes.

Q. Did you also have occasion to see any other important personages visiting that concentration camp?

A. I remember Pohl, Gluecks, Kaltenbrunner, Schirach and Gauleiter Steyermark.

Q. And did you personally see Schirach at that concentration camp at Mauthausen?

A. Yes.

Q. Do you remember what he looks like so that you could identify him?

A. I believe that he has probably changed during the last times but I would certainly remember him.

Q. How long ago was it that you saw him there?

A. That was in the fall of '42. Since that time I have not seen him

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Q. Will you look around the Courtroom and see whether you can see Schirach in the Courtroom?

A. Yes.

Q. Which person?

A. In the second row, the third person from the left.

COLONEL AMEN: The affidavit to which I referred was U.S.A. Exhibit 515.

THE PRESIDENT: What is the PS number?

COLONEL AMEN: 2753 PS.

BY COLONEL AMEN:

Q. I now show you a copy of Document Number 2641 PS in this case, and ask you whether you can recognize the place where those individuals are standing?

A. As far as it is able to be recognized -- and I cannot determine whether it is next to the concentration camp Mauthausen.

Q. Would you repeat that answer please?

A. As far as it is recognizable I cannot say for sure whether that is the quarry near the concentration camp Mauthausen. This quarry could be at any other place. I would have to have more of a view but I believe that visits of the Reichsfuehrer and other people took place but I believe that this is the quarry Wienergrabau.

Q. Very good. Just lay the picture aside for a moment.

Did you have occasion to observe the killing of inmates of the concentration camp by pushing them off a cliff?

A. Yes.

Q. Will you tell the Tribunal what you saw with respect to that practice?

A. I remember that was in the year '41. I was on guard duty and I was on the tower which covered the quarry Wienergraben and I observed in the morning about 6 to 8 prisoners and then two SS men were with them. One was Spatznecker and the other was Eichenhofer. They moved --

THE PRESIDENT: Wait, you are going too fast. You should go slower.

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A. (continuing) Their actions were rather strange and they were approaching the precipice near the quarry. I saw them from my watchtower. I saw that these two SS men were beating the prisoners and I could immediately recognize that the purpose was to throw them down or have them thrown down the precipice, either by themselves or have them pushed down. I noticed that one of the prisoners was kicked and it was motioned to him that he was to cast himself down from the precipice. The prisoner in desperation, because of the beatings, cast himself down immediately.

Q. How steep was the precipice?

A. I estimate thirty to forty meters.

Q. Was there a term used amongst you guards for this practice of having the prisoners fall from the top of this precipice?

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A Yes. They were called paratroopers.

COLONEL AMEN: The witness is available to other Counsel.

THE PRESIDENT: Does the Russian Prosecutor or French Prosecutor or Defense Counsel have any questions?

CROSS EXAMINATION BY DR. SAUTER (Counsel for Defendant von Schirach):

Q I am interested in the following points.

You said a little while ago that in 1939 you were taken into the SS?

A That is true.

Q Please repeat your answer.

A That is right. On the 6th of September, 1939, I was taken into the SS at Ebersberg, Linz.

Q Did you have no connections with the Party before then?

A Yes. In April, 1938, I enlisted with the Civil SS because I was out of work and without any support, and I thought I will go to the Civil SS and I will get work.

Q Then, if I understood you correctly, you probably went to the SS in 1939, because already in 1938 you had volunteered your services?

A I cannot exactly declare that. Many were taken into the Army and they were in the General SS.

Q Are you Austrian?

A Yes.

Q Then at that time you lived in Austria?

A Yes, Graz.

Q I am interested in a certain point for Schirach. You saw the Defendant at Mauthausen. How often did you see him there?

A I distinctly remember once.

Q Once?

A Yes.

Q Was Mr. von Schirach alone at Mauthausen, or was he together with others?

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A He was with other gentlemen. There was a group of about ten people, and among them I recognized von Schirach.

Q But we understand it was twenty people rather than ten.

A I didn't at that time know that I would have to use these figures and I did not count the people.

Q I am interested in this point because the Defendant Schirach told me it had been a special visit and inspection tour, an official inspection tour of the concentration camp at Mauthausen, and there had been a meeting of the economic experts of the east.

A I remember that this group came with von Schirach and Bachmeyer. They entered the camp.

Q You know that this inspection had been publicized in the camp several days prior to this visit and that certain preparations had been made in the camp for this inspection.

A I cannot remember that. I cannot remember those preparations but I do remember it was in the evening. I can't tell you the exact hour. It was the evening count or roll-call. The prisoners had assembled for roll-call and all the guards had to appear and I saw this group come in.

Q You didn't know the day before or didn't your co-workers know that an inspection was to take place the next day?

A I cannot remember anything like that.

Q And didn't you notice afterwards that certain preparations had been made--certain preparations had been taken?

A I cannot remember that I noticed or saw any of these preparations.

DR. SAUTER: I have no further questions of this witness.

CROSS EXAMINATION BY DR. STEINBAUER (Counsel for Defendant Seyss-Inquart):

Q You mentioned an incident which, according to the concept of civilized people cannot be interpreted as anything but murder--

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the casting over a quarry of people. Did you report this to your superiors?

A These incidents happened several times and it is to be assumed a thousand times that the superiors knew about this.

Q In other words, you did not report this. Is it true that on penalty of death, not only the internees, but the guards were permitted to report happenings of this sort to a third person?

A Yes.

DR. STEINBAUER: I have no other questions.

REDIRECT EXAMINATION BY COLONEL AMEN:

Q Would you just look at that picture again?

A Yes.

Q Will you look at it carefully and tell me whether that is the quarry underneath the cliff which you have just described?

A As far as I can tell from this picture, and I assume one hundred per cent it is the quarry Wienergraben, but I would have to see more of the background. I do not see enough, but I am pretty sure I can speak with certainty.

Q Do you recognize the individuals whose faces appear in the picture?

A Yes.

Q Will you tell the Tribunal the ones which you do recognize?

A I recognize first of all Reichsfuehrer Himmler, next to him the Commandant from Mauthausen and way to the right Kaltenbrunner.

COLONEL AMEN: That is all, may it please the Tribunal.

THE PRESIDENT: The witness can go and we will adjourn for ten minutes.

(Whereupon at 11.25 a recess was taken until 11.35.)

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COLONEL STOREY: If the Tribunal please, the next and final subject of the criminal organizations is the General Staff and High Command, to be presented by Colonel Taylor.

Colonel Taylor.

COLONEL TELFORD TAYLOR: Your Lordship and members of the Tribunal: The indictment seeks the declaration of criminality under Articles 9 to 11 of the Charter against six groups or organizations, and the last one listed in the indictment is described as a group, described as the General Staff and High Command of the German Armed Forces.

At first sight these six groups and organizations seem to differ rather widely one from another, both in their composition and in their functions, but all of them are related and we believe that they are logically indicted together before the Tribunal because they are the primary agencies and the chief tools by means of which the Nazi conspirators sought to achieve their aims. All six of them were either established by, controlled by, or became allied with the Nazis, and they were essential to the success of the Nazis. They were at once the principal and indispensable instruments, the party, the government, the police, and the armed forces. It is my task to present the case in chief against the General Staff and High Command group.

Now, in one respect this group is to be sharply distinguished from the other groups and organizations against which we have sought this declaration. For example, the leadership corps of the Nazi Party, of the NSDAP, is the leadership corps of the party itself, the party which was the embodiment of Nazism, which was the instrument primarily through which Hitlerism rode to full power and tyranny in Germany. The SA and the SS were branches -- to be sure, large branches -- of the Nazi party. The German police had certain roots and antecedents which antedated Hitlerism, but it became 99 per cent a creature of the Nazi Party and State. The Reich cabinet was in essence merely a committee or series of committees of Reich Ministers, and when the Nazis came to power, quite naturally these ministerial positions were filled for the most part by Nazis. All these other groups and organizations, accordingly, either owe their origin and development to Nazism or automatically became nazified when Hitler came to power.

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Now, that is not true of the group with which we are now concerned. I need not remind the Tribunal that German armed might and the German military tradition andedate Hitlerism by many decades. One need not be a graybeard to have very vivid personal recollections of the war of 1914 to 1918, of the Kaiser and of the scrap of paper. For these reasons, I want to sketch very briefly, before going into the evidence, the nature of our case against this group which is unique in the particulars I have mentioned.

As a result of the German defeat in 1918 and the Treaty of Versailles, the size and the permissible scope of activities of the German armed forces were severely restricted. That these restrictions did not destroy or even seriously undermine German militarism, the last few years have made abundantly apparent. The full flowering of German military strength came about through collaboration, collaboration between the Nazis on the one hand and the career leaders of the German armed forces, the professional soldiers, sailors, and airmen.

When Hitler came to power, he did not find a vacuum in the field of military affairs. He found a small Reichwehr and a body of professional officers with a morale and outlook nourished by German military history. The leaders of these professional officers constitute the group named in the indictment, the General Staff and High Command of the German Armed Forces. This part of the case concerns that group of men.

Now, needless to say, it is not the prosecution's position that it is a crime to be a soldier or a sailor or to serve one's country as a soldier or sailor in time of war. The profession of arms is an honorable one and can be honorably practiced, but it is too clear for argument that a man who commits crimes cannot plead as a defense that he committed them in uniform.

Now, it is not in the nature of things and it is not the prosecution's position that every member of this group was a wicked man or that they were all equally culpable, but we will show that this group not only collaborated with Hitler and supported the essential Nazi objectives, we will show that they furnished the one thing which was essential and basic to the success of the Nazi program for Germany, and that was skill and experience in the development and use of armed might.

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Why di. this group support Hitler and the Nazis? I think Your Honors will see, as the proof is given, that the answer is very simple. The answer is that they agreed with the truly basic objectives of Hitlerism and Nazism and that Hitler gave the generals the opportunity to play a major part in achieving these objectives. The generals, like Hitler, wanted to aggrandize Germany at the expense of neighboring countries and were prepared to do so by force or threat of force. Force, armed might, was the keystone of the arch, the thing without which nothing else would have been possible.

As they came to power and when they had attained power, the Nazis had two alternatives, either to collaborate with and expand the small German army, known as the Reichswehr, or to ignore the Reichswehr and build up a separate army of their own.. The generals feared that the Nazis might do the latter and accordingly were more inclined to collaborate. Moreover, the Nazis offered the generals the chance of achieving much that they wished to achieve by way of expanding German armies and German frontiers, and so, as we will show, the generals climbed onto the Nazi bandwagon. They saw it was going in their direction for the present. No doubt they hoped later to take over the direction themselves. In fact, as the proof will show, ultimately it was the generals who were taken for a ride by the Nazis.

Hitler, in short, attracted the generals to him with the glitter of conquest and then succeeded in submerging them politically and, as the war proceeded, they became his tools. But as these military leaders became the tools of Nazism, it is not to be supposed that they were unwitting or that they did not participate fully in many of the crimes which we will bring to the notice of the Tribunal. The willingness, and indeed the eagerness of the German professional officer corps to become parties of the Nazis will be fully developed.

My Lordship, there will be three principal parts to this presentation. There will be first a description of the composition and functioning of the General Staff and High Command groups as defined in the indictment; next, the evidence in support of the charge of criminality under Counts 1 and 2 of the indictment; finally, the evidence in support of the charges under Counts 3 and 4.

The members of the Tribunal should have before them three document books

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which have been given the number CC. The first of these books is a series of sworn statements or affidavits which are available to the Tribunal in English and in Russian and in French, and which have been available to the defendants in German. The second and third books are

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the usual type of document books, separated merely for convenience of handling. The second book contains documents in the C and L series, and the third book, in the PS and R series. For the convenience of the Tribunal we have had handed up a list of these documents in the order in which they will be referred to.

The Tribunal should also have one other document, and that is a short mimeographed statement entitled "Basic Information on the Organization of the German Armed Forces." That has also been handed up in English, Russian and French, and has also been made available to the Defendants' Information Center in German.

So I turn first to a description of the group as defined in the indictment.

During the First World War, there was an organization in the German Armed Forces known as the Great General Staff. This name, the German General Staff or Great General Staff, persists in the public mind, but the Grosse Generalstab no longer exists in fact. There has been no such single organization, no single German General Staff since 1918, but there has, of course, been a group of men responsible for the policy and the acts of the German armed forces, and the fact that these men have no single collective name does not prevent us from collecting them together. They cannot escape the consequences of their collective acts by combining informally instead of formally. The essence of a general staff or a high command lies not in the name you give it, but in the functions it performs, and the men comprised within the group as we have defined it in the indictment do constitute a functional group welded together by common responsibility, those officers who had the principal authority and responsibility under Hitler for the plans and operations of the German armed forces.

Let us examine first the general structure and organization of the German Armed Forces and then look at the composition of the group as specified in the indictment. As I just mentioned, we have prepared a very short written exposition of the organization of the German armed forces which we have handed up to the Tribunal. That document contains

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a short sketch setting forth the basic history and development of the Supreme Command of the German armed forces since 1933, and the structure as it emerged after its reorganization in 1938. It also contains a simple chart which in a few moments will be displayed at the front of the courtroom. It also contains a short glossary of German military expressions and it contains a comparative table of rank in the German Army and in the SS, showing the equivalent ranks in the American Army and the equivalent ranks for the German Navy and the British Navy. I may say that military and naval ranks differ slightly among the principal nations, but that by and large they follow the same general pattern and terminology.

When the Nazis came to power in 1933, the German armed forces were controlled by a Reich Defense Minister who at that time was Field Marshal Werner von Blomberg. Under von Blomberg were the chief of the Army staff who at that time was von Fritsch, and of the naval staff, the Defendant Raeder. Owing to the limitations imposed on Germany by the Treaty of Versailles, the German Air Force at that time had no official existence whatever.

In May 1935, at the time that military conscription was introduced in Germany, there was a change in the titles of these officers, but the structure remained basically the same. Field Marshal von Blomberg remained in supreme command of the armed forces, with the title of Reich Minister for War and Commander-in-Chief of the Armed Forces. Von Fritsch assumed the title Commander-in-Chief of the Army, and Raeder Commander-in-Chief of the Navy.

The German Air Force came into official and open existence at about this same time, but it was not put under von Blomberg. It was an independent institution under the personal command of the Defendant Goering who had the double title of Air Minister and Commander-in-Chief of the Air Force.

I will now ask that that chart be displayed please.

This chart, your Honors, has been certified and sworn to by three principal German generals and the affidavits with reference to it will

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be introduced in a few moments. It shows the organization, the top organization, of the armed forces as it emerged in 1938 after the reorganization which I will now describe.

In February 1938 von Blomberg and von Fritsch were both retired from their positions and Blomberg's ministry, the War Ministry, was wound up. The War Ministry had contained a division or department called the Wehrmacht Amt, meaning the Armed Forces Department, and the function of that department had been to coordinate the plans and operations of the Army and Navy. From this Armed Forces Department was formed a new overall armed forces authority known as the High Command of the German Armed Forces - that is the box in the center right under Hitler - known in German as Oberkommando Der Wehrmacht, and usually known by the initials OKW.

Since the Air Force as well as the Army was subordinated to OKW, coordination of all armed forces matters was vested in the OKW which was really Hitler's personal staff for these matters. The Defendant Keitel was appointed Chief of the OKW and the most important division of the OKW, shown just to the right, was the Operations Staff, of which the Defendant Jodl became the chief.

Now, this reorganization and the establishment of OKW was embodied in a decree issued by Hitler on the 4th of February, 1938. This decree appeared in the Reichsgesetzblatt, and I invite the Court's attention to it by way of judicial notice. Copies are available and I would like to read the decree which is very short, into the transcript. I quote:

"Command authority over the entire armed forces is from now on exercised directly by me personally."

THE PRESIDENT: Where do we find it?

COLONEL TAYLOR: That is not a document, your Honor, because it is a decree from the Reichsgesetzblatt and subject to judicial notice, but copies are available here if the Tribunal cares to look at it.

I will continue with the second paragraph of this decree:

"The Armed Forces Department in the Reich War Ministry with its functions becomes the High Command of the Armed Forces and comes directly under my command as my military staff.

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The head of the staff of the High Command of the Armed Forces is the Chief of the former Armed Forces Department, with the title of Chief of the High Command of the Armed Forces. His status is equal to that of a Reich Minister.

"The High Command of the Armed Forces also takes over the affairs of the Reich War Ministry. The Chief of the High Command of the Armed Forces, as my representative, exercises the functions hitherto exercised by the Reich War Minister. The High Command of the Armed Forces is responsible in peace-time for the unified preparation of the defense of the Reich in all areas according to my directives.

"Berlin, 4 of February. Signed by Hitler, by Lammers, and by Keitel."

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Underneath the OKW come the three supreme commands of the three branches of the Armed Forces: OKH, OKM, and the Air Force. The Air Force didn't receive the official designation OKL until 1944, and the Defendant Raeder remained after 1938 as Commander in Chief of the Navy, but Von Fritsch, as well as Blomberg, passed out of the picture, Von Fritsch being replaced by Von Brauchitsch as Commander in Chief of the Army. Goering continued as Commander in Chief of the Air Force. In 1941 Von Brauchitsch was replaced as Commander in Chief of the Army--that is the first box in the left column--by Hitler himself, and in 1943 Raeder was replaced as Commander in Chief of the Navy by the Defendant Doenitz. The Defendant Goering continued as Commander in Chief of the Air Force until the last month of the war.

OKW, OKH, OKM and OKL each had its own staff. These four staffs did not have uniform designations. The three staffs of the Army, Navy and Air Force are the three boxes in a horizontal line next to the bottom. The staff of the OKW is the little box to the right at the top, bearing the name of Jodl and Warlimont.

In the case of OKH -- that is the Army -- the staff was known as the Generalstab or the General Staff. In the case of OKW, it was known as the Fuehrungstab or Operations Staff, but in all cases, the functions were those of a general staff in military parlance.

It will be seen, therefore, that in this war there was no single German General Staff but, rather, that there were four, one for each branch of the Service and one for the OKW as the overall inter-Service Supreme Command.

So we come to the bottom line on the chart. Down to the bottom line we have been concerned with the central staff organization at the center of affairs. Now we pass to the field. Under OKH, OKM and OKL came the various fighting formations of the Army, Air Force and Navy, respectively.

In the Army, the largest Army field formation was known to the Germans, as indeed it is among the nations generally, as an army group or in German, heeresgruppe. These are shown in the box in the

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lower left hand corner. An army group or heeresgruppe controls two or more armies -- in German, armeen. Underneath the army come the lower field formations, such as corps, divisions and regiments, which are not shown on the chart.

In the case of the German Air Force, the largest formation was known as an air fleet or luftflotte, and the lower units under the air fleet were called corps, jagdcorps, or divisions, fliegerdivisionen. Those lower formations again we have not shown on the chart.

Under the OKM were the various naval group commands, which controlled all naval operations in a given area, with the exception of the high seas fleet itself and submarines. The commanders of the fleet and the submarines were directly under the German Admiralty.

So we may now examine the group as defined in the indictment, the group against which the Prosecution seeks the declaration of criminality. It is defined in Appendix B of the Indictment. The group comprises, firstly, German officers who held the top positions in the four supreme commands which I have just described, and, secondly, the officers who held the top field commands.

Turning first to the officers who held the principal positions in the supreme commands, we find that the holders of nine such positions are included in the group. Four of these are positions of supreme authority: The Chief of the OKW, Keitel; the Commander in Chief of the Army, Von Brauchitsch, later Hitler; Commander in Chief of the Navy, Raeder, and later Doenitz; Commander in Chief of the Air Force, Goering and later Von Greim.

Four other positions are those of the chiefs of the staffs to those commanders in chief: The Chief of the Operations Staff of the OKW, Jodl; the Chief of the General Staff of the Army, Halder and later others; the Chief of the General Staff of the Air Force, and later others; the Chief of the Naval War Staff.

The ninth position is that of Deputy Chief of the Operations Staff of OKW. Throughout most of the war that was General Warlimont, whose name is shown under Jodl's on the chart. The particular responsibility

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of Jodl's deputy was planning, strategic planning, and for that reason, his office has been included in the group as defined in the Indictment.

The group named in the Indictment includes all individuals who held any of those nine staff positions between February 1938 and the end of the war in May 1945. February, 1938 was selected as the opening date because it was the month that the top organization of the German Armed Forces was re-organized and assumed substantially the form in which you see it there and in which it persisted up until the

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end of the war.

Twenty-two different individuals occupied those nine positions during that period, and of those 22, 18 are still living.

Turning next to the officers who held the principal field commands, the Indictment includes, as members of the group, all commanders in chief in the field who had the status of Oberbefehlshaber in the Army, Navy or Air Force. The term Oberbefehlshaber rather defies literal translation into English. Literally, the components of the word mean "over-command-holder", and we can perhaps best translate it as "commander in chief".

In the case of the Army, commanders of the army groups and armies always had the status and title of oberbefehlshaber, although they didn't get the formal designation until 1944. In the Navy, officers holding the senior regional commands and, therefore, in control of all naval operations in a given sector, had the status of oberbefehlshaber.

Roughly, 110 individual officers had the status of oberbefehlshaber in the Army, Navy or Air Force during the period in question. All but approximately a dozen of them are still alive. The entire General Staff and High Command group, as defined in the Indictment, comprises about 130 officers, of whom 114 are believed to be still living. Those figures, of course, are the cumulative total of all officers who at any time belonged to the group, during the seven years and three months, from February 1938 to May 1945.

The number of active members of the group at any one moment is, of course, much smaller. That was about 20 at the outbreak of the war, and it rose to about 50 in 1944 and 1945. That is to say, that at any one moment of time in 1944, the group, the active group, would have consisted of the nine individuals occupying the nine staff positions and about 41 naval, air force or army commanders in chief.

The structure and the functioning of the German General Staff and High Command group has been described in a series of affidavits by some of the principal German field marshals and generals. These affidavits are included in Document Book 1. I want to state briefly how these statements were obtained.

In the first place, two American officers who were selected for their

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ability and experience in interviewing high ranking German prisoners of war were briefed by an Intelligence Officer and by the trial Counsel on the particular problems presented by this part of the case, the organizational side of the German Armed Forces. These officers were already well versed in military intelligence and were fluent in German. It was emphasized that the function of these interrogating officers was merely to inquire into and establish the facts with respect to the organization of the Armed Forces, to establish facts on which the Prosectuion wanted to be accurately informed.

The German Generals to be interrogated were selected on the basis of the special knowledge which they could be presumed to possess by reason of the positions which they had held in the past. After each interview, the interrogator prepared a report, and from this report such facts as appeared relevant to the issues before the Tribunal were extracted and a statement embodying them was prepared. This statement was then presented to the German officer at a later interview in the form of a draft, and the German officer was asked whether it truly reproduced what he had said and was invited to alter it in any way he saw fit. The object was to procure the most accurate testimony on organizational matters that we could.

I will take up these affidavits one by one, and I think the members of the Tribunal will see that they fully support the Prosecutions description of the group and conclusively establish that this group of officers was, in fact, the group which had the major responsibility for planning and for directing the operations of the German Armed Forces.

The Soviet and French judges have copies in French and Russian, and the Defense has copies in German.

The first of these affidavits is that of Franz Halder, who held the rank of Generaloberst, or Colonel General--the equivalent of a four-star general in the American Army. His affidavit will be US Exhibit 531. Halder was Chief of the General Staff of OKH. That would be the box second from the bottom on the left hand side. He was Chief of the General Staff of the OKH from September, 1938 to September, 1942. He is, accordingly, a member of the group and well qualified by his position to testify as to the organization. His statement is short, and I will read it in full:

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"Ultimate authority and responsibility for military affairs in Germany was vested in the Head of the State, who prior to the 2nd of August, 1934, was Field Marshal Von Hindenburg and thereafter, until 1945, was Adolf Hitler.

Specialized military matters were the responsibility of the three branches of the Armed Forces subordinate to the Commander in Chief of the Armed Forces (at the same time Head of the State), that is to say, the Army, Navy and the Air Force. In practice, supervision within this field was exercised by a relatively small group of high ranking officers. These officers exercised such supervision in their official capacity and by virtue of their training, their positions, and their mutual contacts. Plans for military operations of the German Armed Forces were prepared by members of this group according to the instructions of the OKW in the name of their respective commanding officers and were presented by them to the Commander in Chief of the Armed Forces (at the same time the Head of the State.)

"The members of this group were charged with the responsibility of preparing for military operations within their competent fields, and they actually did prepare for any such operations as were to be undertaken by troops in the field.

"Prior to any operation, members of this group were assembled and given appropriate directions by the Head of the State. Examples of such meetings are the speech by Hitler to the Commanders in Chief on 22 August 1939 prior to the Polish campaign, the consultation at the Reichs Chancellory on 14 June, 1941, prior to the first Russian campaign. The composition of this group and the relationship of its members to each other were as shown in the attached chart. This was, in effect, the General Staff and High Command of the German Armed Forces. /Signed/ Halder."

The chart to which reference is made is the chart at the front of the room and which was attached to the affidavit. The two meetings referred in the last paragraph of the affidavit are covered by documents which will

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be introduced subsequently.

I next offer a substantially identical statement by Von Brauchitsch, which will be Exhibit USA 532. Von Brauchitsch held the rank of Field Marshal and was Commander in Chief of the Army from 1938 to 1941; therefor also a member of the group. I need not read his statement, since it is practically the same as that given by Halder, but I will ask that it be s forth in full in the transcript at this point. The only difference betwe the two statements is in the last sentence of each. Halder states that t group described in the indictment "was, in effect, the General Staff and igh Command of the German Armed Forces", whereas Von Brauchitsch puts it a little differently, saying, "In the hands of those who filled the positions shown in the chart lay the actual direction of the Armed Forces." Otherwise, the two statements are identical.

(The document referred to above is set forth herewith as follows.)

"Ultimate authority and responsibility for military affairs in Germa was vested in the Head of State who prior to 2 August 1934 was Field Marshal von Hindenburg and thereafter until 1945 was Adolf Hitler.

"Specialized military matters were the responsibility of the three branches of the Armed Forces subordinate to the Commander in Chief of the Armed Forces (at the same time Head of State), that is to say the Army, the Navy and the Air Force. In practice, supervision within this field was exercised by a relatively small group of high ranking officers. Thes officers exercised such supervision in their official capacity and by virtue of their training, their positions and their mutual contacts. Plans for military operations of the German Armed Forces were prepared by members of this group according to the instructions of the OKW in the nam of their respective Commanding Officers and were presented by them to the Commander in Chief of the Armed Forces (at the same time Head of State.)

"The members of this group were charged with the responsibility of preparing for military operations within their competent fields and they actually did prepare for any such operations as were to be undertaken by troops in the field.

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"Prior to any operation, members of this group were assembled and given appropriate directions by the Head of State. Examples of such meetings are the speech by Hitler to the Commanders-in-Chief on 22 August 1939 prior to the Polish campaign and the consultation at the Reich Chancellery on 14 June 1941 prior to the first Russian campaign. The composition of this group and the relationship of its members to each other were as shown in the attached chart. In the hands of those who filled the positions shown in the chart lay the actual direction of the Armed Forces."

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COLONEL TAYLOR (Continuing) Now, the Tribunal will see from these affidavits that the chart which is on display at the front of the Court and which is contained in the short expository statement has been laid before von Brauchitsch and Halder and that these two officers have vouched for it under oath as an accurate picture of the top organization of the German Armed Forces. The statements by von Brauchitsch and Halder also fully support the Prosecution's statement that the holders of the positions shown on this chart constitute the group in whom lay the major responsibility for the planning and execution of all Armed Forces matters.

I would now like to offer another affidavit by Halder which sets forth some of the matters of detail to which I adverted in describing the group. It is quite short. Affidavit Number 6, which becomes Exhibit USA 533, and I'll read it in full into the transcripts:

"The most important department in the OKW was the Operations Staff, in much the same way as the General Staff was in the Army and Air Force and the Naval War Staff in the Navy. Under Keitel there were a number of departmental chiefs who were equal in status with Jodl but in the planning and conduct of military affairs they and their departments were less important and less influential than Jodl and Jodl's staff.

"The OKW Operations Staff was also divided into sections. Of these the most important was the section of which Warlimont was chief. It was called the National Defense Section, and it was primarily concerned with the development of strategic questions. From 1941 onwards, Warlimont, though charged with the same duties, was known as Deputy Chief of the OKW Operations Staff.

"There was during World War II no unified General Staff such as the Great General Staff which operated in World War I.

"Operational matters for the Army and Air Force were worked out by the group of high ranking officers described in my statement of 7 November (in the Army, General Staff of the Army, and in the Air Forces, the General Staff of the Air Force).

"Operational matters of the Navy were, even in World War I, not worked out by the Great General Staff but by the Naval Staff. Signed: Halder."

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The Tribunal will note that this affidavit is primarily concerned with the functions of the General Staffs of the four commands of OKW, OKL, OKH, and OKM and fully supports the inclusion in the group of the Chiefs of Staff of the four Services, as well as the inclusion of Warlimont as Deputy Chief of the OKW staff because of his strategic planning responsibilities.

I have just one other very short affidavit covering a matter of detail. The Tribunal will remember that the highest fighting formation in the German Air Force was known as an air fleet or Luftflotte and that all commanders in chief of their fleets are included in this group. That is the box in the lower right hand corner. The commanders of air fleets always had the status of oberbefehlshaber, but they were not formally so designated until 1944. These facts are set forth in an affidavit by the son of Field Marshal von Brauchitsch. His son had the rank of oberst, or colonel, in the German Air Force and was personal aide to the Defendant Goering as Commander in Chief of the Air Force. His affidavit is Number 9 and becomes US 534. It reads as follows:

"Luftflottenchefs have the same status as the oberbefehlshaber of an army. During the war they had no territorial authority and, accordingly, exercised no territorial jurisdiction.

"They were the highest troop commanders of the Air Force units subordinate to them and were directly under the command of the Commander in Chief of the Air Force.

"Until the summer of 1944 they bore the designation befehlshaber and from then on that of oberbefehlshaber. This change of designation carried with it no change in the functions and responsibilities that they previously had.#

Your Honor, that concludes the description of the composition of the group and the personnel of it. The staff of the Tribunal have referred to me two inquiries which have been addressed to the Tribunal by Counsel for the group and it seemed to me it might be appropriate if I disposed of those inquiries now as to the composition of the group. The letters were turned over to me two days ago.

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The first is from Hofrat Duellmann, and he has asked whether the group, as defined in the Indictment, is contingent upon rank, whether it includes officers, including a definite rank such as field marshal or generaloberst.

The answer to that is clearly, No. As has been pointed out, the criterion of membership in the group is whether one held one of the positions on the chart up there, and one would be in the group if one held one of the positions, no matter what one's rank. Rank is no criterion. In point of fact, I suppose, everybody in the group held at least the rank of general in the German Army, which is the equivalent of lieutenant general in ours.

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He has also asked whether the group includes officers of the so-called "general staff corps". The answer to that is "No". There was in the German Army a war academy, and graduates of the war academy were given the branch of service described as the general staff corps. They signed themselves "Colonel im Generalstab." They functioned largely as adjutants and assistants to staff officers. I suppose there were some thousands of them-- two or three thousand. But they are not included in the group. Many of them were officers of junior rank. They are not named in the Indictment, and there is no reason and no respect in which they are comprehended within the group as defined.

The other letter of inquiry is from Dr. Exner, who states that he is in doubt as to the meaning of "Oberbefehlshaber", and goes on to state that he believes that Oberbefehlshaber includes commanders-in-chief in theaters of war, the commanders-in-chief of army groups, and the commanders-in-chief of armies. That is quite right. Those are the positions as shown in the chart.

Let us now spend a few minutes examining the way this group works. In many respects, of course, the German military leaders functioned in the same general manner as obtained in the military establishments of other large nations. General plans were made by the top staff officers and their assistants in collaboration with the field generals or admirals who were entrusted with the execution of the plans. A decision to wage a particular campaign would be made, needless to say, at the highest level, and the making of such a decision would involve political and diplomatic questions, as well as purely military considerations. When, for example, the decision was made to attack Poland, the top staff officers in Berlin and their assistants would work out general military plans for the campaign. These general plans would be transmitted to the commanders of the army groups and armies who would be in charge of the actual campaign, and then there would follow consultation between the top field commanders and the top staff officers at OKW and OKH, in order to revise and perfect and refine the plans.

The manner in which this group worked, involving as it did the interchange of ideas and recommendations between the top staff officers at OKW and OKH on the one hand, and the principal field commanders on the other hand, is

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graphically described in two affidavits by Field Marshal von Brauchitsch. That is Affidavit No. 4, which will be USA 535. I invite the Tribunal's attention to these and will read them into the transcript. The statement of 7 November 1945:

"In April, 1939, I was instructed by Hitler to start military preparations for a possible campaign against Poland. Work was immediately begun to prepare an operational and deployment plan. This was then presented to Hitler and approved by him, as amended by a change which he desired. After the operational and deployment orders had been given to the two commanders of the army groups and the five commanders of the armies, conferences took place with them about details, in order to hear their desires and recommendations. After the outbreak of the war I continued this policy of keeping in close and constant touch with the commanders-in-chief of army groups and of armies by personal visits to their headquarters, as well as by telephone, teletype, or wireless. In this way I was able to obtain their advice and their recommendations during the conduct of military operations. In fact, it was the accepted policy and common practice for the commander-in-chief of the army to consult his subordinate commanders-in-chief and maintain a constant exchange of ideas with them.

"The commander-in-chief of the army and his chief of staff communicated with army groups and through them, as well as directly, with the armies--through army groups on strategic and tactical matters; directly on question affecting supply and administration of conquered territory occupied by the armies. An army group had no territorial jurisdiction. It had a relatively small staff, which was concerned only with military operations. In all territorial matters it was the commander-in-chief of the army, and not of the army group, who exercised jurisdiction.

"Signed, von Brauchitsch."

"There follows a supplement to my statement of 7 November:

"When Hitler had made a decision to support the realization of his political objectives through military pressure or through the application of military force, the commander-in-chief of the army, if he was at all involved, ordinarily first received an appropriate oral briefing or an appropriate oral command.

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Operational and deployment plans were next worked out in the OKH. After these plans had been presented to Hitler, generally by word of mouth, and had been approved by him, there followed a written order from the OKW to the three branches of the armed forces. In the meanwhile the OKH began to transmit the operational and deployment plans to the army groups and armies involved.

THE PRESIDENT: In my copy it is OKW.

COL. TAYLOR: That is an error, sir; it should be OKH.

"Details of the operational and deployment plans were discussed by the OKH with the commanders-in-chief of the army groups and armies and with the chiefs of staff of these commanders. During the operations the OKH maintained a constant exchange of ideas with the army groups by means of telephone, radio, and courier. The commander-in-chief of the army used every opportunity to maintain a personal exchange of ideas with the commanders of army groups, armies, and lower echelons, by means of personal visits to them.

"In the war against Russia the commanders of army groups and armies were individually and repeatedly called in by Hitler for consultation. Orders for all operational matters went from the OKH to army groups, and for all matters concerning supply and territorial jurisdiction from the OKH directly to the armies.

"Signed, von Brauchitsch."

The Oberbefehlshaber in the field, therefore -- and in the case of the army that means the commanders-in-chief of army groups and armies -- participated in planning and directing the evolution of the plans, as those affidavits show. The Oberbefehlshabers were also the repositories of general executive powers in the areas in which their army groups and armies were operating. In this connection, I invite the Court's attention to 447-PS, which is already in evidence as US 135; 447-PS, this being a directive of 13 March 1941, signed by Keitel and issued by the Supreme Command of the Armed Forces. This directive sets out various regulations for the operations against the Soviet Union which were actually begun a few months later, on 22 June. Under paragraph Roman I of this document

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THE PRESIDENT: Is this in the first book?

COL. TAYLOR: The third book, Book No.3, your Honor. The documents, your Honor, are in numerical order in Document Books 2 and 3. Document Book 2 contains C and L; Document Book 3 contains PS: and this, being 447-PS, will be in Document Book 3 in numerical order within the PS's. And within that document, under paragraph Roman I, the paragraph entitled "Area of Operations and Executive Power " (Vollziehende Gewalt), the Tribunal will find sub-paragraph 1, in which the following appears. That is page 1 of the translation, paragraph 2:

"It is not contemplated to declare East Prussia and the General Government an area of operations. However, in accordance with the unpublished Fuehrer orders from 19 and 21 October 1939, the commander-in-chie of the Army shall be authorized to take all measures necessary for the execution of His military aim and for the safeguarding of the troops. He may transfer his authority on to the commanders-in-chief" -- that, in the original German, is Oberbefehlshaber -- "of the army groups and armies. Orders of that kind have priority over all orders issued by civilian agencies."

Your Honors will see that this executive power, with priority over civilian agencies, was vested in the commander-in-chief of the army, with authority to transfer it to commanders-in-chief of army groups or armies -- to the group as defined in the Indictment.

Further on in the document, under sub-paragraph 2a, the document states -- that is the 4th paragraph, on page 1 of the document:

"The area of operations created through the advance of the army beyond the frontiers of the Reich and the neighboring countries is to be limited in depth as far as possible. The commander-in-chief of the army has the right to exercise the executive power (Vollziehende Gewalt) in this area, and may transfer his authority on to the commanders-in-chief (Oberbefehlshaber) of the army groups and armies."

THE PRESIDENT: This would be a convenient time to break off.

(Whereupon at 1245 hours the hearing of the Tribunal adjourned to reconvene at 1400 hours)

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 4 January 1945, 1400-1700

THE PRESIDENT: The Tribunal will sit tomorrow in closed session to consider matters of procedure, and there will therefore be no public session tomorrow.

COLONEL TAYLOR: Your Lordship, I have just one more document dealing with this subject of the structure of the Group before passing on to the substantive charges of criminality.

This document is C-78, which is already in evidence as USA 139. That will be found in Document Book 2. This document is the official command invitation to participate in the consultation at the Reich Chancellery on 14 June 1941, eight days prior to the attack on the Soviet Union. This is one of the meetings that was referred to in the last paragraph of the affidavits by Halder and von Brauchitsch, which were read into the record this morning. It is signed by Colonel Schmundt, the Chief Wehrmacht Adjutant to Hitler, and is dated at Berchtesgaden, 9 June 1941. It begins:

"Re Conference 'Barbarossa'" -- that being the code word for the attack on the Soviet Union -- "The Fuehrer and Supreme Commander of the Armed Forces has ordered reports on 'Barbarossa' by the Commanders of Army Groups, Armies and Naval and Air Commanders of equal rank."

That is, as the Tribunal will see once again, the very group specified in the bottom line of the chart on the wall, Army Groups, Armies and Naval and Air Commanders of equal rank.

This document likewise includes a list of the participants in this conference, and I would just like in closing on this subject to run through that list to find out who the participants in this conference were and how closely they parallel the structure of the group as we find it in the Indictment. The Tribunal will see that the list of participants begins at the foot of Page 1 of the translation:

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General Field Marshal von Brauchitsch, who was then commander-in-chief of the Army, and a member of the group. General Halder, who was chief of the Army Staff, and a member of the group. Then three subordinates who were not members of the group, Paulus, Husinger, and Gyldenfeldt.

Navy, Captain Wagner, who was chief of the Operations Staff, Operations Division of the Naval War Staff, not a member of the group.

On the air side: General Milch, State Secretary and Inspector of the Air Force, again not a member of the group. General Jeschonnek, chief of the General Staff of the Air Force and a member of the group; and two of his assistants.

Passing over the page to the OKW, High Command of the Armed Forces, we find Keitel, Jodl, Warlimont, all members of the group, were present, with an assistant from the General Staff.

Then four officers from the office of the adjutant, who were not members of the group.

Then we pass to the officers from the Field Commands: General von Falkenhorst, Army High Command, Norway, member of the group. General Stumpff, Air Fleet 5, member of the group. Rundstedt, Reichenau, Stuelpnagel, Schobert, Kleist, all from the Army, all members of the group.

Air Force: General Loehr, Air Fleet 4, member of the group.

General Fromm and General Udet were not members. One was director of the Home Forces, commander of the Home Forces, and the other the Director General of Equipment and Supply.

The Navy: Raeder, a member of the group; Fricke, chief of the Naval War Staff, and a member of the group, and, of course, an assistant who was not a member. Carls, Navy Group North, member of the group; likewise Schmundt.

Then from the Army, Leeb, Busch, Kuechler, all members of the group as Oberbefehlshaber. Keller, a member of the group.

Bock, Kluge, Strauss, Guderian, Hoth, Kesselring, all members of the group.

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And it will accordingly be seen that except for a few assisting officers of relatively junior rank, all the participants in these consultations were members of the group as defined in the Indictment, and that in fact the participants included almost all the members of the group who were concerned in the impending operations against the Soviet Union.

I have now concluded the first page of the presentation, to wit, the description of the General Staff and High Command Group and its composition and structure and general manner of functioning. I turn now to the charges levelled against this group in the Indictment.

Appendix B charges that this group had a major responsibility for the planning, preparation, initiating and waging of the illegal wars set forth in counts 1 and 2, and for the war crimes and crimes against humanity detailed in counts 3 and 4.

In presenting the evidence insupport of these charges, we must keep in mind that under the Charter the group may be declared criminal in connection with any acts of which an individual defendant who was a member of the group may be convicted.

The General Staff and High Command group is well represented among the individual defendants in this case. Five of the individual defendants, or one-quarter of the individuals here, are members of the group.

Taking them in the order in which they are listed, the first is Defendant Goering. Goering is a defendant in this case in numerous capacities. He is a member of

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the General Staff and High Command group by reason of having been a commander-in-Chief of the Air Force, from the time when the Air Force first came into the open and was officially established, until about one month prior to the end of the war. During the last month of the war he was replaced in this capacity by von Greim, who committed suicide shortly after his capture at the end of the war. Goering is charged with crimes under all counts of the Indictment.

The next listed defendant who is a member of the group is Keitel. He and the remaining three defendants are all four of them in this case primarily or solely in their military capacities, and all four of them are professional soldiers or sailors.

Keitel was made chief of the High Command of the German Armed Forces, or OKW, when the OKW was first set up in 1938, and remained in that capacity throughout the period in question. He held the rank of Field Marshal throughout most of this period, and in addition to being the Chief of the OKW, he was a member of the Secret Cabinet Council and of the Council of Ministers for the Defense of the Reich. Keitel is charged with crimes under all four counts.

The Defendant Jodl was a career soldier. He was an Oberstleutnant, or Lieutenant Colonel, when the Nazis came to power, and ultimately attained the rank of Generaloberst or Colonel General. He became the Chief of the Operations Staff of the Wehrmacht and continued in that capacity throughout the war. He also is charged with crimes under all four counts.

The other two defendants who are members of this group are on the nautical side. The defendant Raeder is in a sense the senior member of the entire group, having been Commander-in-Chief of the German Navy as early as 1928. He attained the highest rank in the German Navy, Grossadmiral. He retired from the Supreme Command of the Navy in 1943, in January, and was replaced by Doenitz. Raeder is charged under counts 1, 2 and 3 of the Indictment.

The last of the five defendants, Doenitz, was a relatively junior officer when the Nazi came to power. During the early years of the Nazi regime, he specialized in submarine activities and was in command of the U-boat arm when

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the war broke out. He rose steadily in the Navy, and was chosen to succeed Raeder when the latter retired in 1943, then became C in C of the Navy and attained the rank of Grossadmiral. When the German Armed Forces collapsed near the end of the war Doenitz succeeded Hitler as head of the German Government. He is charged under Counts 1, 2 and 3 of the Indictment.

Four of these five defendants are reasonably typical of the group as a whole. We must except the Defendant Goering, who is primarily a Nazi party politician nourishing a hobby for aviation as a result of his career in 1914-18. But the others made soldiering or sailoring their life work. They collaborated with and joined in the most important adventures of the Nazis, but they were not among the early party members. They differ in no essential respects from the other 125 members of the group. They are, no doubt, abler men in certain respects. They rose to the highest positions in the German Armed Forces, and all but Jodl attained the highest rank.

But they will serve as excellent case studies and as representatives of the group, and we can examine their ideas as they have expressed them in these documents and their actions, with fair assurance that these ideas and actions are characteristic of the other group members.

I turn first to the criminal activities of the General Staff and High Command group under counts 1 and 2 of the Indictment, their activities in planning and conspiring to wage aggressive and illegal wars. Here my task is largely one of recapitulation. The general body of proof relating to aggresive war has already been laid before the Tribunal by my colleague, Mr. Alderman, and the distinguished members of the British delegation.

Many of the documents to which they drew the Tribunal's attention showed that the defendants here who were members of the General Staff and High Command group participated knowingly and willfully in crimes under counts 1 and 2. I propose to avoid referring again to that evidence so far as I possibly can, but I must refer to one or two of them again to focus the Tribunal's attention on the part which the General Staff and High Command group played in aggressive war crimes.

Now, it is, of course, the normal function of the military staff to prepare military plans. In peace time military staffs customarily concern

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themselves with the preparation of plans for attack or defense based on hypothetical contingencies. There is nothing criminal about carrying of these exercises or preparing these plans. That is not what the defendants and this group are charged with.

We will show that the group agreed with the Nazi objective of aggrandizing Germany by threat of force or force itself, and they joined knowingly and enthusiastically in developing German armed might for this purpose. They were advised in advance of the Nazi plans to launch aggressive wars. They laid the military plans and directed the initiation and carrying on of the wars. These things we believe to be criminal under Article 6 of the Charter.

Aggressive war cannot be prepared or waged without intense activity on the part of all branches of the Armed Forces, and particularly by the high-ranking officers who control these forces. To the extent, therefore, that German preparation for and the waging of aggressive war are historical facts of common knowledge, already

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proved, it necessarily follows that the General Staff and High Command group, and the German Armed Forces, participated therein.

This is so notwithstanding the effort on the part of certain military leaders to insist that until the troops marched they lived in an ivory tower unwilling to see the direction to which their work went.

The documents to which I will refer fully refute this, and moreover some of these men now fully admit they participated gladly with the Nazis because the Nazi aims coincided closely with their own.

I think that the documents which Mr. Alderman read into the transcript already adequately reflect the purposes and objectives of the German General Staff and High Command group during the period prior to the absorption of Austria. During this period occurred, as is charged in the Indictment, firstly, secret rearmament, including the training of military personnel, the production of war munitions and building of an air force. Secondly, the Goering announcement on 10 March 1935 that Germany was building a military air force. Third, the law for compulsory military service of 16 March 1935, fixing the peace time strength of the German Army at 500,000. And, finally, and fourth, the reoccupation of the Rhineland on 7 March 1936 and the refortification of that area.

Those particular facts do not require judicial proof. They are historical facts, and likewise, the fact that it would have been impossible for the Nazis to achieve these things without cooperation by the Armed Forces is indisputable from the very nature of things.

Mr. Alderman described to the Tribunal and read from numerous documents which illustrate these events. He included numerous documents concerning the secret expansion of the German Navy in violation of treaty limitations, under the guidance of the defendant Raeder.

He also read the secret Reich Defense Law, 2261-PS, already in the record as US 24, which was adopted on the same day that Germany unilaterally renounced the armament provision of the Versailles Treaty. He read von Blomberg's plan, dated 2 May 1935, for the reoccupation of the Rhineland. That is C-159, US 54; and Blomberg's orders under which the reoccupation was actually carried out.

All these events, by obvious inference, required the closest collaboration

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between the military leaders and the Nazis. I need not labor that point further.

But it is worthwhile, I think, to re-examine a few of the documents which show the state of mind and the objectives of the German military leaders during this early period. One document, read from by Mr. Alderman, which reflects the viewpoint of the German Navy on the opportunities which Naziism offered for rearmament so that Germany could achieve its objectives by force or threat of force, is a memorandum published by the High Command of the German Navy in 1937, entitled "The Fight of the Navy Against Versailles." That is C 156, U. S. 41. The Tribunal will recall that this memorandum, this official publication of the German Navy, stated that only with the assistance of Hitler had it been possible to create the conditions for rearmament. The defendant Jodl has stated this better than I could possibly put it in his speech to the Gauleiters on 7 November 1943. That is in Document L 172, U.S. 34, from which Mr. Alderman read at length.

Nor were the high-ranking German officers unaware that the policies and objectives of the Nazis were leading Germany in the direction of war. I invite the Court's attention to Document C-23, which is already in the record as U.S. 49. This consists of some notes made by Admiral Carls, of the German Navy, in September, 1938. These notes were written by Admiral Carls by way of comment on a "Draft Study of Naval Warfare Against England," and they read in part as follows. That will be found, your Lordship, on page 3 of the translation of Document C-23:

"There is full agreement with the main theme of the study.

"1. If according to the Fuehrer's decision Germany is to acquire a position as a world power, she needs not only sufficient colonial possessions but also secure naval communications and secure access to the ocean.

"2. Both requirements can only be fulfilled in opposition to Anglo-French interests and would limit their position as world powers. It is unlikely that they can be achieved by peaceful means. The decision to make Germany a world power therefore forces upon us the necessity of making the corresponding preparations for war.

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"3. War against England means at the same time war against the Empire, against France, probably against Russia as well and a large number of countries overseas; in fact, against 1/2 to 1/3 of the whole world.

"It can only be justified and have a chance of success if it is prepared economically as well as politically and militarily and waged with the aim of conquering for Germany an outlet to the ocean."

Let us turn to the airforce, having seen what the viewpoint of the Navy was. Parts of the German Airforce during this pre-war period were developing even more radically aggressive plans for the aggrandizement of the Reich. Document L-43, GB-29, is a study prepared by the Chief of a branch of the General Staff of the Air Force called the "Organization Staff." The study in question is a recommendation for the organization of the German Air Force in future years up to 1950. The recommendation is based on certain assumptions, and one assumption was that by 1950 the frontiers of Germany would be as shown on the map which

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was attached as an enclosure to this study. There is only one copy of the map available, your Honor.

The Court will note on this map that Austria, Czechoslovakia, Hungary, Poland and the Baltic coast up to the Gulf of Finland are all included within the borders of the Reich. The Court will also note, at page 2 of the document itself -- that is L-43 -- that the author envisaged the future peace-time organization of the German Air Force as comprising seven group commands, four of which lie within the borders of Germany proper at Berlin, Brunswick, Munich and Koenigsberg, but the three others are proposed to be at Vienna, Budapest and Warsaw.

Before turning to particular acts of aggression by the German armed forces, I want to stress once more the basic agreement and harmony between the Nazis and the German military leaders. Without this agreement on objectives there might never have been a war. In this connection I want to direct the Tribunal's attention to an affidavit by von Blomberg, formerly Field Marshal, Reich War Minister, and Commander-in-Chief of the German Armed Forces until February, 1938. I will read the affidavit into the transcript.

"From 1919, and particularly from 1924, three critical territorial questions occupied attention in Germany. These were the questions of the Polish Corridor, the Ruhr, and Memel.

"I myself, as well as the whole group of German staff officers, believed that these three questions, outstanding among which was the question of the Polish Corridor, would have to be settled some day, if necessary by force of arms. About ninety per cent of the German people were of the same mind as the officers on the Polish question. A war to wipe out the desecration involved in the creation of the Polish Corridor and to lessen the threat to separated East Prussia surrounded by Poland and Lithuania was regarded as a sacred duty, though a sad necessity. This was one of the chief reasons behind the partially secret rearmament which began about ten years before Hitler came to power and was accentuated under Nazi rule.

"Before 1938-1939 the German generals were not opposed to Hitler. There was no reason to oppose Hitler, since he produced the results which

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they desired. After this time some generals began to condemn his methods and lost confidence in the power of his judgment. However, they failed as a group to take any definite stand against him, although a few of them tried to do so and as a result had to pay for this with their lives or their positions.

"Shortly before my removal from the post of Commander-in-Chief of the Armed Forces in January 1938, Hitler asked me to recommend a successor. I suggested Goering, who was the ranking officer, but Hitler objected because of his lack of patience and diligence. I was replaced as Commander-in-Chief of the Armed Forces by no officer, but Hitler personally took over my function as Commander. Keitel was recommended by me as a Chef de bureau. As far as I know, he was never named Commander of the Armed Forces but was always merely a 'Chief of Staff' under Hitler, and in effect conducted the administrative functions of the Ministry of War. At my time Keitel was not opposed to Hitler and therefore was qualified to bring about a good understanding between Hitler and the Armed Forces,a thing which I myself desired and had furthered as Reichswehrminister and Reichskriegminister. To do the opposite would have led to a civil war, for at that time the mass of the German people supported Hitler. Many are no longer willing to admit this. But it is the truth.

"As I heard, Keitel did not oppose any of Hitler's measures. He became a willing tool in Hitler's hands for every one of his decisions.

"He did not measure up to what might have been expected of him."

The statement by von Blomberg which I have just read is paralleled closely in some respects by an affidavit by Colonel General Blaskowitz. That is affidavit No.5 in Document Bock 1 and will be U.S.A. Exhibit 537. Blaskowitz commanded an army in the campaign against Poland and the campaign against France. He subsequently took command of Army Group G in southern France and held command of Army Group H, which retreated beyond the Rhine, at the end of the war. The first three paragraphs of his affidavit are substantially identical with the first three paragraphs of von Blomberg's, and since they are available in all languages, for expedition I will start reading with paragraph 4, where the affidavit is on a different

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subject:

"After the annexation of Czechoslovakia we hoped that the Polish question would be settled in a peaceful fashion through diplomatic means, since we believed that this time France and England would come to the assistance of their ally. As a matter of fact, we felt that if political negotiations came to naught the Polish question would unavoidably lead to war, that is, not only with Poland herself but also with the Western Powers.

"When in the middle of June I received an order from the OKH to prepare myself for an attack on Poland, I knew that this war came even closer to the realm of possibility. This conclusion was only strengthened by the Fuehrer's speech on 22 August 1939 on the Obersalzberg when it clearly seemed to be an actuality. Between the middle of June 1939 and 1 September 1939 the members of my staff who were engaged in preparations participated in various discussions which went on between the OKH and the army group. During these discussions such matters of a tactical, strategic and general nature were discussed as had to do with my future position as Commander-in-Chief of the Eighth Army during the planned Polish campaign.

"During the Polish campaign , particularly during the Kutno operations, I was repeatedly in communication with the Commander-in-Chief of the Army, and he, as well as the Fuehrer, visited my headquarters. In fact, it was common practice for commanders-in-chief of army groups and of armies to be asked from time to time for estimates of the situation and for their recommendations by telephone, teletype or wirless, as well as by personal calls. These front commanders-in-chief thus actually became advisers to the OKH in their own field, so that the positions shown in the attached chart embrace that group which was the actual advisory council of the High Command of the German Armed Forces."

The Tribunal will note that the latter part of this affidavit, like those of Halder and Brauchitsch, vouches for the accuracy of the structure and organization of the General Staff

and High Command group as described by the prosecution. The Tribunal will also note that the von Blomberg affidavit and the first part of the Brauchitsc affidavit make it clear beyond question that the military leaders of Germany knew of, approved, supported, and executed plans for the expansion of the Armed Forces beyond the limits set by treaties. The objectives they had in mind are obvious from the affidavits and documents to which reference has been made. In these documents and affidavits we see the Nazis and the Generals in agreement upon the basic objective of aggrandizing Germany by force or threat of force, and collaborating to build up the armed might of Germany, in order to make possible the subsequent acts of aggression. We turn now to an examination of those particular acts of aggression, which have already been described to the Tribunal in general, with the particular purpose of noting participation in these criminal acts by the General Staff and High Command group.

I may say, your Lordship, that in going over this matter, in order to save time I propose to read from very few documents. Accordingly, when I cite them I think there is probably no need for the Tribunal to try to find them in the documents before it. Most of them are in evidence and I propose to cite them for purposes of recapitulation, without reading very much.

The Tribunal will recall that Mr. Alderman read into the transcript portions of a document, 386-PS, U.S. 25, consisting of notes by Colonel Hossbach on a conference which was held in the German Chancellery in Berlin on the 5th of November 1937. Hitler presided at this conference, which was a small and highly secret one, and the only other participants were the four principal military leaders and the Minister of Foreign Affairs, the defendant Neurath. The four chief leaders of the Armed Forces--Blomberg, who was then Reich Minister for war, and the Commanders-in-Chief of the three branches of the Armed Forces, von Fritsch for the Army, Raeder for the Navy, and Goering for the Air Force--were present. Hitler embarked on a general discussion of Germany's diplomatic and military policy, and stated that the conquest of Austria and Czechoslovakia was an essential preliminary 'for the improvement of our military position' and 'in order to remove any threat from the flanks.'

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The military and political advantages envisaged included the acquisition of a new source of food, shorter and better frontiers, the release of troops for other tasks, and the possibility of forming new divisions from the population of the conquered territories. Blomberg and von Fritsch joined in the discussion and von Fritsch stated "that it was the purpose of a study which he had laid on for this winter to investigate the possibilities of carrying out operations against Czechoslovakia with special consideration of the conquest of the Czechoslovakian system of fortifications.

The following spring, in March 1938, the German plans with respect to Austria came to fruition. Mr. Alderman has already read into the record portions of the diary kept by the defendant Jodl. The portion here in question, 1780-PS, U.S. 72, of this diary shows the participation of the German military leaders in the absorption of Austria. As is shown by Jodl's diary entry for 11 February, 1938, the defendant Keitel and other generals were present at the Obersalzberg meeting between Schuschnigg and Hitler, and the purpose is shown clearly by the entry which recites that "in the evening and on 12 February General Keitel with General V. Reichenau and Sperrle at the Obersalzberg. Schuschnigg together with G. Schmidt are again being put under heaviest political and military pressure. At 2300 hours Schuschnigg signs protocol." The General Von Reichenau referred there was at this time the head commander of Wehrkreis 7, one of the military districts into which Germany was divided. He subsequently commanded the Tenth Army in Poland and the Sixth Army in France, and was a member of the group as defined in the indictment. Sperrle who was in Spain during the Civil War and then commanded Luftflotte 3, the Third German Air Fleet, practically throughout the war, was also a member of the group. Two days later Keitel and others were preparing proposals to be submitted to Hitler which would give the Austrian Government the impression that Germany would resort to force unless the Schuschnigg agreement was ratified in Vienna.

These proposals are embodied in a document dated February 14, 1938, 1775-PS, U.S. 73, and signed by the defendant Keitel. Portions of Keitel's proposals to the Fuehrer are as follows:

"To take no real preparatory measures in the Army or Luftwaffe. No troop movements or redeployments. Spread false but quite credible news which may

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lead to the conclusion of military preparations against Austria, a) through V-men"--that means agents--"in Austria; b) through our customs personnel (staff) at the frontier; c) through travelling agents.

Going down the document to 4, Keitel proposed: "Order a very active make-believe wireless exchange in Wehrkreis VII and between Berlin and Munich; 5) real maneuvers, training flights and winter maneuvers of the Mountain Troops near the frontier; 6) Admiral Canaris has to be ready beginning on February 14 in the Service Command Headquarters in order to carry out measures given by order of the Chief of the OKW."

As Jodl's diary shows under the entry for 14 February, these deceptive maneuvers were very effective and created in Austria the impression that these threats of force might be expect to create. About a month later armed intervention was precipitated by Schuschnigg's decision to hold a plebiscite in Austria. Hitler ordered mobilization in accordance with the pre-existing plans for the invasion of Austria, these plans being known as "Case Otto", in order to absorb Austria and stop the plebiscite. Jodl's diary under the entry for 10 March 1938 tells us:

"By surprise and without consulting his ministers Schuschnigg ordered a plebiscite for Sunday, 13 March, which should bring strong majority for the Legitimists in the absence of plan or preparation.

"Fuehrer is determined not to tolerate it. The same night, March 9 to 10, he calls for Goering. General Von Reichenau is called back from Cairo Olympic Committee. General v. Schobert is ordered to come, as well as Minister Glaise Horstenau, who is with the District Leader, Gauleiter, Buerckel in the Palatinate."

The General von Schobert referred to succeeded General von Reichenau as Commander of Wehrkreis 7 and Commander of the Eleventh Army in Russia, and was a member of the group as defined in the indictment.

The invasion of Austria differs from the other German acts of aggression in that the invasion was not closely scheduled and timed in advance. This is is the case simply because the invasion was precipitated by an outside event--Schuschnigg's order for the plebiscite. But, although for this reason the element of deliberately timed planning was lacking, the foregoing documents make abundantly clear the participation of the military leaders at all stages.

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At the small policy meeting of November, 1937, when Hitler's general program for Austria and Czechoslovakia was outlined, the only others present were the four principal military leaders and the Foreign Secretary.

In February, Keitel, Reichenau and Sperrle were present to help Schuschnigg to the heaviest military pressure. Keitel and others immediately thereafter worked out and executed a program of military threat and deception to frighten the Austrian Government into acceptance of the Schuschnigg protocol. When the actual invasion took place, it was, of course, directed by the military leaders and executed by the armed forces and we are indebted to the defendant Jodl for a clear statement of why the German military leaders were only too delighted to join with the Nazis in bringing about the end of Austrian independence.

In his lecture in November, 1943, to the Gauleiters, which appears in L-172, which is U.S. 34, Jodl explained: (that is at page 5, paragraph 3 of the translation):

"The Austrian Anschluss, in its turn, brought with it, not only fulfillment of an old national aim, but also had the effect both of reinforcing our fighting strength and of materially improving our strategic position. Whereas up till then the territory of Czechoslovakia had projected in a most menacing way right into Germany (a wasp waist in the direction of France and an air base for the allies, in particular Russia,) Czechoslovakia herself was now enclosed by pincers. Its own strategic position had now become so unfavorable that she was bound to fall a victim to any attack pressed home with vigour before effective aid from the West could be expected to arrive."

The foregoing extract from Jodl's speech makes a good transition to the case of Czechoslovakia -- "Case Green", or "Fall Gruen". I propose to treat this very briefly. Mr. Alderman has covered the general story of German aggression against Czechoslovakia very fully and the documents he read from are full of evidence showing the knowing participation in this venture by Keitel, Jodl, and other members of the group.

Once again, the Hossbach minutes of the conference between Hitler and

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the four principal military leaders (386-PS, U.S. 25) may be called to mind. Austria and Czechoslovakia were listed as the moxt proximate victims of German aggression. After the absorption of Austria, Hitler, as head of the State, and Keitel, as Chief of all the Armed Forces, lost no time in turning their attention to Czechoslovakia. From this point on, nearly the whole story is contained in the Schmundt file (388-PS, U.S. 26) and Jodl's diary, both of which have been read from extensively. These two sources of information go far, I think, to demolish what is urged in defense of the military defendants of the General Staff and High Command Group. They seek to create the impression that the German generals were pure military technicians; that they were not interested in, or not informed about political and diplomatic consideration; that they prepared plans for military attack or defense on a purely hypothetical basis. They say all this in order to suggest that they did not share and could not estimate Hitler's aggressive intentions; that they carried out politically-conceived orders like military automatons, with no idea whether the wars they launched were aggressive or not.

When these arguments are made, your Honor, may I respectfully suggest -- read the Schmundt file and read General Jodl's diary. They make it abundantly clear that aggressive designs were conceived jointly between the Nazis and the generals; that the military leaders were fully acquainted with the political and diplomatic developments - indeed, German generals had a strange habit of turning up at diplomatic foregatherings, and, indeed, if the documents did not show these things, a moment's thought must show them to be true.

A highly successful program of conquest depends on armed might. It cannot be executed by an unprepared, weak, or recalcitrant military leadership. It has, of course, been said that war is too important a business to be left to soldiers alone, and this, is, no doubt, true, but it is equally true that aggressive diplomacy is far too dangerous a business to be conducted without military advice and support and no doubt some of the German Generals had qualms about Hitler's timing and the boldness of some of his moves. Some of these doubts are rather interestingly reflected in an entry from Jodl's diary which has not yet been read.

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That is 1780-PS again - the entry for 10 August 1938. It appears on page 4 of the translation of 1780-PS.

10 August 1938: "The Army Chiefs and the Chiefs of the Air Force Groups, Lt. Col. Jeschonnek and myself are ordered to the Berghof. After dinner the Fuehrer makes a speech lasting for almost three hours, in which he develops his political thoughts. The subsequent attempts to draw the Fuehrer's attention to the defects of our preparations, which are undertaken by a few generals of the Army, are rather unfortunate. This applies especially to the remark of General Wietersheim, in which to top it off he claims to quote from General Adams that the western fortifications can only be held for three weeks. The Fuehrer becomes very indignant and flames up, bursting into the remark that in such a case the whole Army would not be good for anything.

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"I assure you, General, the position will not only be held for three weeks, but for three years". The cause of this despondent opinion, which unfortunately enough is held very widely within the Army General Staff, is based on various reasons. First of all, it (the general staff) is restrained by old memories; political considerations play a part as well, instead of obeying and executing its military mission. That is certainly done with traditional devotion, but the vigour of the soul is lacking because in the end they do not believe in the genius of the Fuehrer. One does perhaps compare him with Charles XII. And since water flows downhill, this defeatism may not only possibly cause immense political damage, for the opposition between the Generals' opinion and that of the Fuehrer is common talk, but may also constitute a danger for the morale of the troops. But I have no doubt that the Fuehrer will be able to boost the morale of the people in an unexpected way when the right moment comes."

THE PRESIDENT: Shall we break off now for ten minutes:

(A recess was taken from 1514 hours to 1529 hours.)

COLONEL TAYLOR: The extract from the Jodl diary from which I have just read may indeed show that some of the German generals at that time were cautious with respect to Germany's ability to take on Poland and the Western Powers simultaneously; but nonetheless, the entry shows no lack of sympathy with the Nazi aims for conquest. And there is no evidence in Jodl's diary or elsewhere that any substantial number of German generals lacked sympathy with Hitler's objectives. Furthermore, the top military leaders always joined with and supported his decisions, with formidable success in these years from 1938 to 1942.

So, if we are told that German military leaders did not know that German policy toward Czechoslovakia was aggressive, or based on force or threat of force, let us remember that on 30 May 1938, Hitler signed a most secret directive to Keitel--already in

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the transcripts, 388-PS, US 26--in which he stated clearly his unalterable decision to smash Czechoslovakia by military action in the near future.

The Defendant Jodl was in no doubt what that directive meant. He noted in his diary, the same day, that the Fuehrer had stated his final decision to destroy Czechoslovakia soon and had initiated military preparation all along the line.

And the succeeding evidence, both in the Schmundt file and in the Jodl diary, shows how these military preparations went forward. Numerous examples of discussions, plans, and preparations during the last few weeks before the Munich pact, including discussions with Hungary and the Hungarian General Staff, in which General Halder participated, are contained in the Jodl diary and the later items in the Schmundt file. The day the Munich Pact was signed, the 29th of September, Jodl noted in his diary--1780-PS, the entry for 29 September:

"The Munich Pact is signed. Czechoslovakia as a power is out. Four zones as set forth will be occupied between the 2nd and 7th of October. The remaining part of mainly German character will be occupied by the 10th of October. The genius of the Fuehrer and his determination not to shun even a World War have again won the victory without the use of force. The hope remains that the incredulous, the weak and the doubtful people have been converted and will remain that way."

Plans for the liquidation of the remainder of Czechoslovakia were made soon after Munich. Ultimately, the absorption of the remainder was accomplished by diplomatic bullying, in which the Defendant Keitel participated, for the usual purpose of demonstrating that German armed might was ready to enforce the threats--as shown by two documents already in, and which I need not read: 2802-PS, US 117; and 2798-PS, US 118.

And, once again, the Defendant Jodl, in his 1943 lecture--L172, US 34--tells us clearly and in one sentence why the objective of eliminating Czechoslovakia lay as close to the hearts of the German military leaders as to the hearts of the Nazis:

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"The bloodless solution of the Czech conflict in the autumn of 1938 and the spring of 1939, and the annexation of Slovakia, rounded off the territory of Greater Germany in such a way that it then became possible to consider the Polish problem on the basis of more or less favorable strategic premises."

And this serves to recall the affidavits by Blomberg and Blaskowitz, which I have already read from. "The whole group of German staff and front officers believed that the question of the Polish Corridor would have to be settled some day, if necessary by force of arms," they told us. "Hitler produced the results which all of us warmly desired," they have told us.

I turn not to Poland. The German attack on Poland is a particularly interesting one from the standpoint of the General Staff and High Command. The documents which show the aggressive nature of the attack have already been introduced by Mr. Griffith Jones of the British

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Delegation. I propose to approach it from a slightly different angle, inasmuch as these documents serve as a excellent case study of the functio ing of the General Staff and High Command Group as defined in the Indictment.

This attack was carefully timed and planned, and in the documents one can observe the staff work step by step. Mr. Griffith Jones read from a series of directives from Hitler and Keitel, embodied in Document C-120, GB 41, involving "Fall Weiss", which was the code word for the plan of attack on Poland. That is a whole series of documents and the series starts--C120-- with a reissuance of a document called "Directive for the Uniform Preparation for War by the Armed Forces."

We have encountered this periodically reissued directive previously. That was a form for sort of standing instructions to the armed forces laying out what their tasks during the coming period would be.

In essence these directives are, firstly, statements of what the armed forces must be prepared to accomplish in view of political and diplomatic policies and developments; and secondly, indications of what should be accomplished diplomatically in order to make the military tasks easier and the chances of success greater. They constitute, in fact, a fusion of diplomatic and military thought and they strongly demonstrate th mutual interdependence of aggressive diplomacy and military planning.

Note the limited distribution of these documents early in April, 1939 in which the preparation of the plans for the Polish war is ordered. Five copies only are distributed by Keitel: One goes to Brauchitsch, OKH; one to Raeder, OKM; one to Goering at OKL; and two to Warlimont in the Planning Branch of OKW.

Hitler lays down that the plans must be susceptible of execution by 1 September, 1939, and as we well remember, that target date was adhered to. The fusion of military and diplomatic thought is clearly brought out by a part of one of those documents which has not previously been read; that is, D--C120, subdivision D-- and it is to be found at page 4.

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The subheading is: "Political Requirements and Aims."

"German relations with Poland continue to be based on the principal of avoiding any quarrels. Should Poland, however, change her policy towards Germany, based up to now on the same principles as our own, and adopt a threatening attitude towards Germany, a final settlement might become necessary, notwithstanding the pact in effect with Poland.

"The aim, then, will be to destroy Polish military strength, and create in the East a situation which satisfies the requirements of national decense. The free state of Danzig will be proclaimed a part of the Reich territory at the outbreak of the conflict, at the latest.

"The political leadership considers it its task in this case to isolate Poland if possible, that is to say, to limit the war to Poland only.

"The development of increasing internal crises in France and the resulting British cautiousness might produce such a situation in the not too distant future.

"Intervention by Russia so far as she would be able to do this cannot be expected to be of any use for Poland, because this would imply Poland's destruction by Bolshevism.

"The attitude of the Baltic States will be determined wholly by German military exigencies.

"On the German side, Hungary cannot be considered a certain ally. Italy's attitude is determined by the Berlin-Rome Axis."

Sub-heading 2: "Military Conclusions."

"The great objectives in the building up of the German Armed Froces will continue to be determined by the antogonism of the Western Democracies 'Fall Weiss' constitutes only a precautiouary complement to these preparations. It is not to be looked upon in any way, however, as the necessary prerequisite for a military settlement with the Western opponents.

"The isolation of Poland will be more easily maintained, even after

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the beginning of operations, if we succeed in starting the war with heavy, sudden blows and in gaining rapid successes.

"The entire situation will require, however, that precautions be taken to safeguard the western boundary and the German North Sea coast, as well as the air over them".

But no one suggests that these are hypothetical plans, or that the General Staff and High Command Group did not know what was in prospect. The plans show on their face that they are no war game. But, to clinch this point, let us refer briefly to Mr. Alderman's pin-up document on Polant, L-79, US 27. These are Schmundt's notes on the conference in Hitler's study at the Reich Chancellery,, Berlin, on 23 May, 1939, when Hitler announced -- and I quote just one sentence -- "There is, therefore, no question of sparing Poland, and we are left with the decision to attack Poland at the first suitable opportunity."

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Note who was present besides Hitler and a few military aides: the Defendant Goering, C-in-C of the Luftwaffe; the Defendant Raeder, Navy; the Defendant Keitel, OKW; von Brauchitsch, C-in-C, Army; Colonel General Milch, who was State Secretary of the Air Ministry and Inspector General of the Luftwaffe; General Bodenschatz, Goering's personal assistant; Rear Admiral Schniewindt, Chief of the Naval War Staff; Colonel Jeschonnek, Chief of the Air Staff; Colonel Warlimont, Planning Staff. All of them, except Milch, Bodenschatz, and the adjutants are members of the Group.

So far these documents have shown us the initial and general planning of the attack on Poland. These general plans, however, had to be checked, corrected and perfected by the field commanders who were to carry out the attack.

I offer document C-142, which will be US-538. This document was issued in the middle of June, 1939, and in this document von Brauchitsch, as Commander-in-Chief of the Army, passed on the general outlines of the plan for the attack on Poland to the field commanders-in-chief--to the Oberbefehlshaber of army groups and armies--so that the field commanders could work out the actual preparation and deployment of troops in accordance with the plans.

This is from page 1 of the translation, and I quote:

"The object of the operation is to destroy the Polish Armed Forces. High policy demands that the war should be begun by heavy surprise blows in order to achieve quick results. The intention of the Army High Command is to prevent a regular mobilization and concentration of the Polish Army by a surprise invasion of Polish territory and to destroy the mass of the Polish Army which is to be expected to be west of the Vistula-Narve Line."

I skip to the next paragraph.

"The Army Group Commands and the Army Commands will make their preparations on the basis of surprise of the enemy. There will be alterations necessary if surprise should have to be abandoned.

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These will have to be developed simply and quickly on the same basis; they are to be prepared mentally to such an extent that in case of an order from the Army High Command they can be carried out quickly."

THE PRESIDENT: What is the date of that document?

COLONEL TAYLOR: The date of that document is the middle of June, 1939; I believe it is the 15th or 14th of 1939.

THE PRESIDENT: Did you say June?

COLONEL TAYLOR: Yes, your Honor. The date is on the original.

The next document is 2327-PS, which will be US-539, signed by Blaskowitz. It is dated 14 June, 1939, and it shows us an Oberbefehlshaber at work in the field planning an attack. Blaskowitz, at that time, was Commander of the Third Army Area Command, and he became Commander-in-Chief of the German Eighth Army during the Polish campaign. I read some extracts from this document--found on page 1 of the translation.

"The Commander-in-Chief of the Army has ordered the working out of a plan of deployment against Poland which takes into account the demands of the political leadership for the opening of war by surprise and for quick success.

"The order of deployment by the High Command, known as 'Fall Weiss,' authorizes the Third Army Group--in Fall Weiss Eighth Army Headquarters--to give necessary directions and orders to all commands subordinated to it for 'Fall Weiss.'"

I skip to paragraph 7 on page 1.

"The whole correspondence on 'Fall Weiss' has to be conducted under the classification 'Top Secret.' This is to be disregarded only if the content of a document, in the judgment of the chief of the responsible command, is harmless in every way--even in connection with other documents.

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"For the middle of July a conference is planned where details on the execution will be discussed. Time and place will be ordered later on. Special requests are to be communicated to Third Army Group before 10 July."

That is signed: "The Commander in Chief of Army Area Command 3, F. Blaskowitz."

I skip to page 2 to read one further extract under the title - at the top of page 2 of the translation - "Aims of Operation 'Fall Weiss'":

"The operation, in order to forestall an orderly Polish mobilization and concentration, is to be opened by surprise with forces which are, for the most part, armored and motorized, placed on alert in the neighborhood of the border. The initial superiority over the Polish frontier-guards and surprise that can be expected with certainty are to be maintained by quickly bringing up other parts of the Army as well as to counteract the marching up of the Polish Army.

"Accordingly, all units have to keep the initiative against the foe by quick acting and ruthless attacks."

Finally, a week before the actual attack on Poland, and when all the military plans are laid, we find the Group as definited in the Indictment all in one place, in fact, all in one room. On August 23 the Oberfehlshaber assembled at Obersalzberg to hear Hitler's explanation of the timing of the attack and for political and diplomatic orientation from the head of the State. This speech has already been read from at length. It is found in 798-PS, US 29, and I pass over it except to note and emphasize that it is addressed to the very group defined in the Indictment as the General Staff and High Command Group. It is, incidentally, the second of the two examples referred to in the affidavits by Halder and Brauchitsch, numbers 1 and 2 which I read previously.

We have now come to the point where Germany actually launched the war. Within a few weeks, and before any important action on the Western Front, Poland was over-run and conquered; German losses were insignificant.

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The three principal territorial questions mentioned in the Blomberg and Blaskowitz affidavits were all solved. The Rhineland had been re-occupied and fortified; Memel was annexed; the Polish Corridor had been annexed. And a good deal more, too: Austria a part of the Reich; Czechoslovakia occupied; all of Western Poland in German hands. Germany was superior in arms and in experience over her Western enemies, France and England.

Then came the three black years of the war - 1939, 1940, and 1941, - when German armed might swung like a great scythe from North, South, and East: Norway and Denmark; the Low Countries; France: Italy became an ally of Germany; Tripoli and Egypt; Yugolsavlia and Greece; Roumania, Hungary and Bulgaria became allies; the Western part of the Soviet Union overrun.

I would like to deal as a whole with the period from the fall of Poland in October 1939 to the attack against the Soviet Union in June of 1941. In this period occurred the aggressive wars in violation of treaties, as charged in the Indictment, against Norway, Denmark, Holland, Belgium, Luxembourg, Yugoslavia, and Greece.

I cannot improve on nor add much to the presentation of these matters by the British Delegation. From the standpoint of proving crimes against peace, our case is complete. But I would like to review this period briefly from the military standpoint and view it as the German military leaders viewed it. And of one thing we may be sure: None of the Nazis nor the Generals thought during this period in terms of a series of violations of neutrality and treaties. They thought in terms of a war, a war of conquest, a war for the conquest of Europe. Neutrality, treaties, non-aggression pacts -- these were not the major considerations. They were annoying obstacles, and devices had to be formed and excuses manufactured to fit the circumstances.

Von Blomberg has told us in his affidavit, which I have read, that after 1939 some generals began to condemn Hitler's methods and lost confidence in his judgment. Which particular Hitler methods some of the generals condemned is not stated, but I think the Tribunal will not

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hear any substantial evidence that many of the generals condemned the march of conquest during the years 1939 to 1941.

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In fact the evidence is rather that most of the generals were having the time of their lives during those years. Six weeks after the outbreak of the war, and upon the successful termination of the Polish campaign, 9 October 1939, there was issued a memorandum and directive for the conduct of the war in the west. That is document No. L-52, and becomes USA Exhibit No. 540. It is not signed. It was distributed only to the four service chiefs, Keitel, Brauchitsch, Goering and Raeder. From the wording there is every indication that it was issued by Hitler. I will read the remaining extract starting with page 2 of the document, about two-thirds of the way down in the first paragraph, starting with the words, "The aims of the Anglo-French conduct of war:"

"The aim of the Anglo-French conduct of war is to dissolve, or disintregate the 80 million state again so that in this manner the European equilibrium, in other words, the balance of power, which serves their ends, may be restored. This battle, therefore, will have to be fought out by the German people one way or another. Nevertheless, the very great successes of the first month of war could serve, in the event of an immediate signing of peace, to strengthen the Reich psychologically and materially to such an extent that from the German viewpoint there would be no objection to ending the war immediately, insofar as the present achievement with arms is not jeopardized by the peace-treaty.

It is not the object of this memorandum to study the possibilities in this direction, or even to take them into consideration. In this paper I shall confine myself exclusively to the other case: the necessity to continue the fight, the object of which, as already stressed, consists so far as the enemy is concerned in the dissolution or destruction of the German Reich. In opposition to this, the German war aim is the final military dispatch of the West, i.e. destruction of the power and ability of the Western Powers ever again to be able to oppose the state consoli-

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dation, and further development of the German people in Europe.

As far as the outside world is concerned, however, this internal aim will have to undergo various propaganda adjustments, necessary from a psychological point of view. This does not alter the war aim. It is and remains the destruction of our Western enemies.

I now pass to page 3 of the translation, paragraph 2, and the subheading, "Reasons":

"Reasons

The successes of the Polish campaign have made possible first of all a war on a single front, awaited for past decades without any hope of realization:"

THE PRESIDENT: Where are you reading now?

COLONEL TAYLOR: Page three of document L-52, paragraph 2 on that page, Your Honor.

THE PRESIDENT: Yes.

COLONEL TAYLOR: Subheading "Reasons".

THE PRESIDENT: Yes.

COLONEL TAYLOR: "That is, to say, Germany is able to enter the fight in the West with all her might, leaving only a few covering troops. The remaining European states are neutral either because they fear for their own fates, or lack interest in the conflict as such, or are interested in a certain outcome of the war, which prevents them from taking part at all, or at any rate too soon.

"The following is to be firmly borne in mind."

In line with, and at this point I interpolate here a succession of references to countries when I pass to Belgium and Holland at the foot of page 3: "Belgium and Holland."

THE PRESIDENT: My document has no heading on it.

COLONEL TAYLOR: There is the heading "Russia", and the heading "Italy".

THE PRESIDENT: I have the "The Nordic States", and the "The South-eastern States." That is on page 3.

COLONEL TAYLOR: That is page 4, Your Honor. It is the previous page.

THE PRESIDENT: You are talking about Belgium and Holland?

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COLONEL TAYLOR: Belgium and Holland, Yes, sir.

THE PRESIDENT: Go ahead. Page 2, yes.

COLONEL TAYLOR: "Both countries are interested in preserving their neutrality but incapable of withstanding prolonged pressure from England and France. The preservation of their colonies, the maintenance of their trade, and thus the securing of their interior economy even of their very life, depend wholly upon the will of England and France. Therefore, in their decisions, in their attitude, and in their actions, both countries are dependent upon the West, in the highest decree. If England and France promise themselves a successful result at the price of Belgian neutrality, they are at any time in a position to apply the necessary pressure. That is to say, without covering themselves with the odium of a breach of neutrality, they can compel Belgium and Holland to give up their neutrality. Therefore, in the matter of the preservation of Belgo-Dutch neutrality, time is not a factor which might promise a favorable development for Germany."

The final paragraph to be read is of the -

"The Nordic States: - Provided no completely unforeseen factors appear, their neutrality in the future is also to be assumed. The continuation of German trade with these countries appear possible even in a war of long duration." End of quotation.

Six weeks later, on 23 November 1939, our group, as you will find in the indictment, the Oberbefehlshaber again assembled, as found in document No. 789-PS, already in the record as USA Exhibit No. 23 - our group of Oberbefehlshaber again assembled and heard from Hitler much of what he had said previously to the four service chiefs. This speech, part of which is already in the record, contains other portions not previously read from and now of interest, and the first extract which I would like to read on page 2 of the translation, about half way down in paragraph one, starting with the words: "For the first time in history we have to fight on only one front." I quote:

"For the first time in history we have to fight on only one front, the other front is at present free. But no one can know how long

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that will remain so. I have doubted for a long time whether I should strike in the east, and then in the west. Basically I did not organize the armed forces in order not to strike. The decision to strike was always in me. Earlier or later, I wanted to solve the problem. Under pressure, it was decided that the east was to be attacked first. If the Polish war was won so quickly it was due to the superiority of our armed forces. The most glorious appearance in history. Unexpectedly small expenditures of men and material. Now the eastern front is held by only a few divi

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"sions. It is a situation which we viewed previously as unachievable Now the situation is as follows: The opponent in the west lies behind his fortifications. There is no possibility of coming to grips with him. The decisive question is: how long can we endure this situation."

Passing to page 3 of that document, line 3:-

"Everything is determined by the fact that the moment is favorable now, in six months it might not be so any more."

The final passage on page 4 of the tr nslation, in the long paragraph about half way down, beginning, "England can not live without its imports. We can not feed --"

"England can not live with its imports. We can feed ourselves. The permanent sowing of mines on the English coasts will bring England to her knees. However, this can only occur if we have occupied Belgium and Holland. It is a difficult decision for me. None has ever achieved what I have achieved. My life is of no importance in all this. I have led the German people to a great height, even if the world does hate us now. I am setting this work on a gamble. I have to choose between victory or destruction. I choose victory. Greatest historical choice, to be compared with the decision of Freidrich the Great before the first Silesian war. Prussia owes its rise to the heroism of one man. Even there the closest advisers were disposed to capitulation. Everything depended on Freidrich the Great. Even the decisions of Bismarck in 1866 and 1870 were no less great. My decision is unchangeable. I shall attack France and England at the most favorable and quickest moment. Breach of the neutrality of Belgium and Holland is meaningless. No one will question that when we have won. We shall not bring about the breach of neutrality as idiotically as it was in 1914. If we do not break the neutrality, then England and France will. Without attack the war is not to be ended victoriously. I consider it as possible to end the war only by means of an attack. The question as to whether the

H0029-0081

attack will be successful, no one can answer. Everything depends upon the favorable instant." End of quotation.

Thereafter, the winter of '39 and '40 passed quickly, the winter of so-called "phony war."

The General Staff and High Command Group all knew what the plan was -- they had all been told. To attack ruthlessly at the first opportunity; to smash the French and English forces; to pay no heed to treaties with or neutrality of the Low Countries. "Breaking of the neutrality of Holland and Belgium is meaningless. No one will question that when we have won." That is what Hitler told the Oberbefehlshaber. His generals and admirals agreed, and went forward with their plan.

Now it is not true that all the steps in this march of conquest were conceived by Hitler and that the military leaders embarked on them with reluctance and misgivings. To show this we need only hark back for a moment to what Mr. Elwyn Jones told the Tribunal about the plans for the invasion of Denmark and Norway.

The Tribunal will recall that Hitler's utterances in October and November, which I have just read, although they are full of threatening comments about France and England and the Low Countries, contain no suggestion of an attack of Scandinavia. Indeed, Hitler's memorandum of 9 October, from which I read, L-52, affirmatively indicates that Hitler saw no reason to disturb the situation to the north, because he said that onless unforeseen factors appear, the neutrality of the northern states could be assumed. Trade could be continued with those countries, even in a long war, but a week previously, on the 3rd of October 1939, the Defendant Raeder had caused a questionaire to be circulated within the Naval War Staff seeking comments on the advantages which might be gained from a naval standpoint by securing bases in Norway and Denmark. That document is C-122, GB-82. And another document introduced by Mr. Elwyn Jones, C-66, which is GB-81, shows that Raeder was prompted to circulate this questionaire by a letter from another admiral named Karls, who

H0029-0082

pointed out the importance of an occupation of the Norwegian coast by Germany. Admiral Karls, Rolf Karls, later attained the rank of Admiral of the Fleet and commanded Naval Group "North", and in that capacity is a member of the group as defined in the indictment as well as Raeder.

The Tribunal will also recall that the defendant Doenitz, who at that time was flag officer submarines, replied to this questionaire from Raeder on 9 October 1939. The document in question is C-5, GB-83. And Doenitz replied that from his standpoint Trojnheim and Narvik met the requirements of a submarine base; that Trojnheim was better; and that he proposed the establishment of a U-boat base there. The next day Raeder visited Hitler, and during this visit certain subsequent events are described in a document which has not previously been introduced.

Now, your Honors, owing to a confusion in numbering, the German document is C-71, but the translation appears in your book in Document L-323, and that will be U.S. 541. The translation will be found in L-322, the middle of the page, entitled, "Entry in the War Diary of the Commander-in-Chief of the Navy, Naval War Staff, on Weseruebung," that being the common name for the operation against Norway and Denmark. Diary entry of 10 October 1939, first reference of the Commander-in-Chief of the Navy, Naval War Staff.

"When visiting the Fuehrer, to the significance of Norway for sea and air warfare, the Fuehrer intends to give the matter consideration."

Entry for 12 December: "The Fuehrer received Q and H" (those being presumably Quisling and Hagelin).

Subsequent instructions to the Supreme Command of the Armed

H0029 - 0083

Forces to make mental preparations. The Commander-in-Chief of the Navy is having an essay prepared which will be ready in January.

Then I interpolate. The translation of the next sentence is somewhat in error, and should read, "With reference to this essay Kapitan zur see Krancke is working on 'Weseruebung,' and OKW."

During the time which followed, H (Hagelin) maintained contact with the Chief of Staff of the Commander-in-Chief of the Navy. His aim was to develop the Party Q (Quisling) with a view to making it capable of making a coup and to give the Supreme Command of the Navy information on the political developments in Norway and military questions. In general he pressed the speeding up of preparations, but considered that it was first necessary to expand the organization. I think that is all I need read of that.

Another document, which is C-64, GB-86--already in the record--shows that on 12 December the Naval War Staff discussed the Norwegian project with Hitler--I am not going to read from that document, your Honors--at a meeting at which the Defendants Keitel and Jodl also attended. In the meantime Raeder was in touch with the Defendant Rosenberg on the possibilities of using Quisling, and Mr. Elwyn Jones very properly pointed out to the Tribunal the close link between the Service Chiefs and the Nazi politicians. As a result of all this, on Hitler's instructions Keitel issued a OKW directive on 27 January, 1940, stating that Hitler had commissioned him to undertake charge of preparations for the Norway operation, to which he then gave the code name "Weseruebung."

On 1 March, 1940, Hitler issued the directive setting forth the general plan for the invasion of Norway and Denmark. That is C-174, GB-89, which Mr. Jones put in the record. The directive was initialed by Admiral Kurt Fricke, who at that time was head of the Operations Division of the Naval War Staff, and who at the end of 1941 became Chief of the Naval War Staff, and in that capacity is a member of the group as defined in the indictment. So, as these

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documents make clear, the plan to invade Norway and Denmark was not conceived in Nazi Party circles, nor forced on the military leaders; on the contrary, it was conceived in the Naval part of the General Staff and High Command Group, and Hitler was persuaded to take the idea up.

Treaties and neutrality meant just as little to the General Staff and High Command Group as to the Nazis. As to the Low Countries, neither Hitler nor the military leaders were disturbed about treaty considerations.

The Tribunal will remember that at a conference between Hitler and the principal military leaders in May, 1939, as shown in document L-79, US-27, already in the record, when the intention to attack Poland was announced, Hitler in discussing the possibility of war with England said that the Dutch and Belgian air bases must be occupied by armed force. "Declarations and neutrality will be ignored." And later in his speech to the Oberbefehlshaber, in November, 1939, Hitler said that they must first invade the Low Countries and "no one would question that when we have won."

Accordingly, one can well imagine that the winter of 1939 and 1940 and the early spring of 1940 was a period of very intensive planning in German military circles. The major attack in the west through the low countries had to be planned and the attack on Norway and Denmark had to be planned. The Defendant Jodl's diary for the period 1 February to 26 May, 1940 (1809-PS, GB-~~1119~~ 88), contains many entries reflecting the course of this planning. Some of the entries have been read into the record and other copies are now of interest.

The Tribunal will see from these entries which have already been read that during February and early March there was considerable doubt in German military circles as to whether the attack on Norway and Denmark should precede or follow the attack on the low countries, and that at some points there even was doubt as to whether all these

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attacks were necessary from a military standpoint, but the Tribunal will not find a single entry which reflects any hesitancy from a moral angle, on the part of Jodl or anyone else that he talked to, to over-run these countries.

I will make some references now to document 1809-PS and some of the entries in it. I do not find a verbatim quote in any one of them. The Court will note that on 1 February, 1940, General Jeschonnek, the Chief of the Air Staff and a member of the Group as defined in the Indictment, visited Jodl and made a suggestion that it

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might be wise to attack only Holland, on the ground that Holland alone would offer a tremendous improvement for Germany's aerial warfare.

On 6 February, Jodly conferred with Jeschonnek, Warlimont, and Col. von Waldau, and what Jodl calls a "new idea" was proposed at this meeting: that the Germans should carry out actions H, being Holland, and under Weser exercises, that being Norway and Denmark only, and should guarantee those countries' neutraility for the duration of the war.

I suppose the German air force may have felt that the occupation of Holland alone would give them sufficient scope for air bases for attacks on England and that if Belgium's neutraility were preserved the German bases in Holland would be immune from attack by the Frency and British armies in France. If, to meet this situation, the French and British attack through Holland and Belgium, the violation of neutraility would be on the other foot. But whether or not this new idea made sense from a military angle, it appears to be a most extraordinary notion from a diplomatic angle. It was a proposal to vilate without any excuse the neutraility of three neighboring small countries, and simultaneously to guarantee the neutraility of a fourth; but what value the Belgians might have attributed to a gurantee of neutraility offered under such circumstances it is difficult to imagine, and in fact the "new idea" projected at this meeting seems a most extraodinary combination of cynicism and naivete.

In the meantime, as Jodl's diary shows, on 5 February 1940 the "special staff" for the Norway invasion met for the first time and got its instructions from Keitel. On 21 February, Hitler put General von Falkenhorst in command of the Norway undertaking; and Jodl's diary records that "Falkenhorst accepts gladly".

On 26 February, Hitler was still in doubt whether to go first to Norway or the Low Countries, but on 3 March, he decided to do Norway first and the Low Countries a short time thereafter. The decision proved final. Norway and Denmark were invaded on 9 April and the success of the adventure was certain by the 1st of May. The invasion of the Low Countries took place ten days later.

So, France and the Low Countries fell, Italy joined the war on the side

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of Germany, and the African campaign began. In October 1940, Italy attacked Greece. The Italo-Greek stalemate and the uncertain attitude of Jugoslavia became embarrassing to Germany, particularly because the attack on the Soviet Union was being planned and Germany felt she could not risk an uncertain situation at her rear in the Balkans.

Accordingly, it was decided to end the Greek situation by coming to Italy's aid, and the Jugoslavian coup d'etat of 26 March 1940 brought about the final German decision to crush Jugoslavia also. The documents have already been introduced by Colonel Phillimore and there is little that I need to add for my present purposes. The decisions were made the Armed Forces drew up the necessary plans and executed the attacks. The onslaught was particularly unmerciful and ruthless against Jugoslavia for the special purpose of frightening Turkey and Greece. The final deployment instructions were issued by Brauchitsch and appear in a document which has not been read before, that being R-95; GB 127. Two extracts from this are of interest. R-95. These extracts are very short:

"The political situation in the Balkans having changed by reason of the Jugoslav military revolt, Jugoslavia has to be considered as an enemy even should it make declarations of loyalty at first.

"The Fuehrer and Supreme Commander has decided therefore to destroy Jugoslavia as quickly as possible."

And turning to paragraph No. 5, the "Timetable for the operations".

"On 5th April as soon as sufficient forces of the Air Forces are available and weather permitting, the Air Forces should attack continuously by day and night the Jugoslav ground organization and Belgrade".

The German attack on the Soviet Union, I have little more to say about. All the documents showing the aggressive nature of the attack have been put in ny Mr. Alderman. I suppose it is quite possible that some members of the General Staff and High Command Group opposed "Barbarossa" as unnecessary and unwise from a military standpoint. The Defendant Raeder so indicated in a memorandum he wrote on 10 January 1944 (C66; GB 81). C-66 is the translation,

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the only document I propose to read on this subject, from which a few extracts are of interest. The quotation starts at the very outset of the Document C-66:

"At this time the Fuehrer had made known his 'unalterable decision' to conduct the Eastern campaign in spite of all remonstrances. After that, further warnings, if no new situation had arisen, were found to be completely useless. As Chief of Naval War Staff, I was never convinced of the 'compelling necessity' for Barbarossa."

And passing to the third paragraph:

"The Fuehrer very early had the idea of one day settling accounts with Russia, doubtless his general ideological attitude played an essential part in this. In 1937-38 he once stated that he intended to eliminate the Russians as a Baltic power; they would then have to be diverted in the direction of the Persian Gulf. The advance of the Russians against Finland and the Baltic States in 1939-40 probably further strengthened him in this idea."

And passing to the very end of document, paragraph 7, page 4:

"As no other course is possible, I have submitted to compulsion. If, in doing so, a difference of opinion arises between 1 SKL and myself" -- That, if I may interpolate, is a division of the Naval War Staff having to do with operations. -- "it is perhaps because the arguments the Fuehrer used on such occasion (dinner speech in the middle of July to the Officers in Command) to justify a step he had planned, usually had a greater effect on people not belonging to the 'inner circle', than on those who often heard this type of reasoning.

"Many remarks and plans indicate that the Fuehrer calculated on the final ending of the Eastern campaign in the autumn of 1941, whereas the Supreme Command of the Army (General Staff) was very skeptical."

That, to be sure, indicates the division of opinion as to the military chances of a rapid success, but the part last quoted indicates that other members of the group favored "Barbarossa" and Raeder's affidavit says; to wit, that some of the generals lost confidence in the power of Hitler's judgment, but that the generals failed as a group to take any definite stand against him although a few tried and suffered thereby. Certainly the High Command took no stand against Hitler on "Barbarossa" and t the events of 1941 and 1942 do not suggest that the High Command embarked on the Soviet War tentatively or with reservations, but rather with ruthless determination backed by careful planning. The plans themselves have all been read and cited to the Court previously.

That concludes theevidence on the criminal activities of the Group under Counts One and Two. The documents written by the military leaders, and which I have previously introduced are not the writings of men who were reluctant to plan and execute these manifold wars.

I want to make clear again the nature of the accusations against this Group under Counts One and Two. They are not accused on the ground that they are soldiers. They are not accused merely for doing the usual things a soldier is expected to do, such as make military plans and command troops.

It is, I suppose, among the normal duties of a diplomat to engage in negotiations and conferences; to write notes and aide memoires, to entertain at dinner parties and cultivate good will toward the government he represents. The Defendant Ribbentrop is not indicted for doing these things. It is the usual function of a politican to draft regulations and decrees, to make speeches. The Defendants Hess and Frick are not indicted for doing those things.

It is an innocent and respectable business to be a locksmith, but it is none the less a crime, if the locksmith turns his talents to picking the locks of a neighborsand looting their homes. And that is the nature of the charge under Counts One and Two against the General Staff and High Command Group. The charge is that in performing the functions of diplomats,

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politicans, soldiers, sailors, or whatever they happened to be, they conspired to, and did plan, prepare, initiate and wage illegal wars and thereby committed crimes under Article 6 (a) of the Charter.

It is no defense for those who committed such crimes to plead that they practice a particular profession. It is perfectly legal for military men to prepare military plans, to meet national contingencies, and such plans may legally be drawn, whether they are offensive or defensive in a military sense. It is even perfectly legal for military leaders to carry out such plans and engage in war, if in doing so, they do not plan and launch and wage wars which are illegal because they are aggressive and in contravention of the Charter.

I am very far from saying that there may not be individual cases, involving some individual members of this group, where drawing the line between legal and illegal behaviour might not involve some difficulties. That is not an uncommon situation in the legal field. But I do not believe that there is any doubt or difficulty here, before this Tribunal, as to the criminality of the General Staff and High Command Group as a Group under

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Counts One and Two, nor as to the guilt of the five defendants who are members of the group.

In the case of the Defendants Goering, Keitel and Jodl, the evidence is voluminous and their participation in aggressive plans and war is constant. The same is true of Defendant Raeder, and his individual responsibility for the aggressive and savage attack on Norway and Denmark is especially clear. The evidence so far offered against Doenitz is less voluminous for the reason that he was younger and not one of the top group until later in the war. But numerous other members of the General Staff and High Command Group, including its other leaders, are shown to have participated knowingly and wilfully in these illegal plans and wars.

Brauchitsch, the Commander-in-Chief of the Army, and his Chief of Staff Halder; Warlimont, the deputy of Jodl; in the nature of things these men knew all that was going on and participated fully, as the documents show. Reichenau and Sperrle helped to bully Schuschnigg; Reichenau and von Schobert, together with Goering, are immediately sent for by Hitler when Schuschnigg ordered the plebiscite.

At a later date we have Blaskowitz as an Oberbefehlshaber in the field, knowingly preparing for the attack on Poland; Field Marshal List educating the Bulgarians for their role during the attacks on Yugoslavia and Greece; von Falkenhorst "gladly accepting" the assignment to command the invasion of Norway and Denmark.

On the air side, Jeschonnek has been recorded proposing that Germany attack Norway, Denmark and Holland, and simultaneously assure Belgium that there is nothing to fear.

On the naval side, Admiral Carls, member of the Group, foresees at an early date that German policy is leading to a general European war, and at a later date the attack on Norway and Denmark is his brainchild; Krancke is one of the chief planners of this attack; Schniewindt is in the inner circle for the attack on Poland; Fricke certifies the final orders for Weseruebung and a few months later proposes that Germany annex Belgium and northern France and reduce the Netherlands and Scandinavia to vassalage.

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Most of the nineteen officers I have mentioned were at that time members of the Group, as defined, and the few who were not, subsequently became members. At the final conference for Barbarossa seventeen additional members are present and at the two meetings with Hitler, at which the aggressive plans and the contempt for treaties were fully disclosed, the entire group was present.

The military defendants will perhaps argue that they are technicians. This amounts to saying that military men are a race apart from and different from the ordinary run of human beings --- men above and beyond the moral and legal requirements that apply to others, incapable of exercising moral judgment on their own behalf.

What we are discussing here is the crime of planning and waging aggressive war. It stands to reason that that crime is committed most consciously, deliberately and culpably by a nation's leaders -- the leaders in all the major fields of activity which are necessary to and closely involved in the waging of war. It is committeed by propagandists and publicists. It is committed by political leaders, by diplomats, by the chief ministers, by the principal industrial and financial leaders and it is no less committed by the military leaders.

In the nature of things, planning and executing aggressive war is accomplished by agreement and consultation among all these types of leaders. And if the leaders in any notably important field of activity stand aside or resist or fail to cooperate, then the program will at the very least be seriously obstructed. That is why the principal leaders in all these fields of activity share responsibility for the crime, and the military leaders no less than the others. Leadership in the military field, as well as in other fields, calls for moral wisdom as well as technical astuteness.

I do not think that the responsible military leaders of any nation will be heard to say that their role is that of a mere janitor or custodian, or pilot of the war machine which is under their command and that they bear no responsibility whatsoever for the use to which that machine is put.

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The prevalence of such a view would be particularly unfortunate today, when the military leaders control forces infinitely more powerful and destructive than ever before. Should the military leaders be declared exempt from the declaration in the Charter that planning and waging aggressive war is a crime, it would be a crippling, if not fatal blow, to the efficacy of that declaration.

Such is certainly not the view of the United States. The Prosecution here representing the United States believes that the profession of arms is a distinguished profession. We believe that the practice of that profession by its leaders calls for the highest degree of integrity and moral wisdom, no less than for technical skill. We believe that in consulting and planning with the leaders in other fields of a nation's activities, the military leaders must act in accordance with international law and the dictates of the public conscience. Otherwise the military resources of the nation will be used, not in accordance with the laws of modern society but the law of the jungle. The military leaders share responsibility with other leaders. I use the word "share" advisedly. Obviously the military leaders are not the final and exclusive arbiters and the German military leaders do not bear exclusive responsibility for the criminal holocaust which was committed. But the German military leaders conspired with others to undermine and destroy the conscience of the German nation. The German military leaders wanted to aggrandize Germany and, if necessary, to resort to war.

As the Chief Prosecutor for the United States said in his opening statement, "The German military leaders are here before you because they, along with others, mastered Germany and drove it to war."

Your Lordship, that concludes the evidence under Counts One and Two, amd if this would be a convenient stopping point --

THE PRESIDENT: You have another branch of the argument?

COLONEL TAYLOR: Counts Three and Four, your Honor, which will take considerable time.

THE PRESIDENT: Very well, we will adjourn now.

(Whereupon, at 1655 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours on 7 January 1946)